



**SECOND DISCUSSION**

**REPORT**

**International Labour Conference**

**SIXTEENTH SESSION**

**GENEVA — 1932**

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**THE AGE OF ADMISSION OF CHILDREN  
TO EMPLOYMENT IN NON-INDUSTRIAL  
OCCUPATIONS**

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Third Item on the Agenda

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**GENEVA  
INTERNATIONAL LABOUR OFFICE  
1932**

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## INTRODUCTION

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The problem of the *age of admission of children to employment in non-industrial occupations* passed through the first stage of the double-discussion procedure of the International Labour Conference at the Fifteenth Session of the Conference in 1931. At that Session the Conference held a preliminary discussion of the problem on the basis of a Grey Report submitted to it by the International Labour Office on the law and practice in the different countries, decided to place the problem on the Agenda of the Sixteenth (1932) Session for the second and final discussion, and settled the points relating to it which were to be included in a Questionnaire to be prepared by the Office and circulated to the Governments for the purpose of eliciting their views as to the nature of the proposals which might be submitted in a Blue Report to the Sixteenth Session for its consideration and decision. This Questionnaire was communicated to the Governments in July 1931. The Governments' replies to it are reproduced in the present Blue Report, which, following the practice of these Reports, also contains a general survey of the problem in the light of these replies and concludes with certain draft proposals based on them. The Sixteenth Session of the Conference is accordingly called upon to deal with the problem, on the basis of this Report with a view to the adoption of decisions on it in the forms prescribed in Article 105 of the Treaty, i.e. Draft Convention or Recommendation.

The object of the item on the Agenda is to give the Conference the opportunity to extend the range of the three Minimum Age Conventions adopted in previous years for admission to employment in industry, agriculture and at sea respectively<sup>1</sup>, and so accord the benefit of international regulation to children who are

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<sup>1</sup> Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919)

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920)

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921)





## CHAPTER I

### REPLIES OF THE GOVERNMENTS.

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This Chapter reproduces the replies of the Governments, which were received in time for inclusion in this Report, namely before 1 January, 1932

The replies are given in the alphabetical order of the countries concerned, corresponding to the various headings of the Questionnaire, but, to facilitate discussion, the heading concerning "possible exceptions and special cases" (Questions 11-18) is dealt with question by question.

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#### Question 1.

##### *Preliminary Question.*

1 (a) Do you consider that the International Labour Conference should adopt international regulations on the age of admission of children to employment in non-industrial occupations ?

(b) Should these international regulations take the form of a Draft Convention rather than of a Recommendation ?

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#### AUSTRIA

1 The reply is in the affirmative. The international regulations should take the form of a Draft Convention.

#### BELGIUM

1 It is necessary that international regulations on the age of admission of children to employment in non-industrial occupations should be framed. To give such regulations full effect, they should take the form of a Draft Convention.

# BRAZIL

1 International regulations should be adopted in the form of a Draft Convention

# BULGARIA

1 The reply is in the affirmative — in the form of a Recommendation

# CANADA

## *Alberta*

1 The condition which the Draft Convention seeks to correct has practically no application in this Province

Our Factory Act applies to commercial enterprises and prohibits the employment of children under the age of 15 years

Our School Act requires all children to attend school until they reach the age of 15 years

Street trading, as it applies in European countries, is non-existent here

With the exception of paper route deliveries, and in a few instances chores on farms, employment outside school hours of children attending school is not in operation

It is not desirable to interfere with these two phases of child employment here

## *British Columbia*

1 (a) The reply is in the affirmative

(b) Draft Convention

## *Manitoba.*

1 (a) The reply is in the affirmative

(b) Draft Convention

## *Ontario*

*The Government of the Province of Ontario prefaces its reply with the following observations*

In Ontario the Factory, Shop and Office Building Act prohibits the employment of any person under 14-years in a

shop, but this does not apply to members of the employer's own family dwelling in a house to which the shop is attached and employed at home

The employment of children under the age of 14 years during school hours is precluded by the School Attendance Act, which requires school attendance between the ages of 8 and 14 years and also states that "except as provided by subsection 2, no child under the age of fourteen years shall be employed by any person during school hours, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$20 "

The employment of adolescents between the ages of 14 and 16 is prohibited except with special permit by the terms of the Adolescent School Attendance Act which states that "no adolescent between fourteen and sixteen years of age shall be employed by any person during the hours from 8 a m to 5 p m, unless he holds a home permit, or an employment certificate as provided for in section 3 of this Act

The reply to Question 1 is as follows

1 (a) It would appear advisable that the International Labour Conference should adopt international regulations on the age of admission of children to employment in non-industrial occupations in order to make as complete as possible the protection afforded children in connection with their employment, and that

(b) These regulations should take the form of a Draft Convention corresponding in outline to the provisions of the three Draft Conventions already adopted

### *Saskatchewan*

1. The opinion is held that regulations be adopted respecting the subject matter and that such regulations take the form of a Recommendation

### CHILE

1 (a) The reply is in the affirmative

(b) The international regulations should take the form of a Draft Convention

### CUBA

1 The Government of Cuba considers it desirable that the International Labour Conference should adopt international

regulations on the age of admission of children to employment in non-industrial occupations These regulations should take the form of a Draft Convention

## DENMARK

1 The Danish Government considers it desirable that the international legislation for the protection of children initiated by the adoption in 1919 of the Washington Convention fixing the minimum age of admission of children to industrial employment, and extended by the Genoa and Geneva Conventions in 1920 and 1921 concerning the minimum age of admission to maritime work and in agriculture respectively should be pursued and completed by the adoption of international regulations on the age of admission of children to employment in non-industrial occupations

As regards Denmark, the Act of 18 April 1925 concerning the work of children and young persons regulates the minimum age of admission to industrial employment (exclusive of agriculture and forestry, on the one hand, and navigation and fishing, on the other), and this Act, completed by the rules embodied in the Seamen's Act concerning the minimum age of admission of children to employment in navigation and fishing, has proved effective in practice The Danish Government therefore recommends, on the basis of the experience gained from the application of this Act, the adoption of international regulations concerning the minimum age of children as above stated

As regards the form to be given to such international regulations, it would appear that only a Draft Convention would be capable of effectively securing the desired protection, and the Danish Government therefore recommends that the regulations should take the form of a Draft Convention

## ESTONIA

1 The Estonian Government considers it desirable that the International Labour Conference should adopt international regulations concerning the age of admission of children to employment in non-industrial occupations These regulations should take the form of a Recommendation However if the majority of the replies submitted by the States Members is in favour of a Draft Convention the Estonian Government agrees to that view

## FINLAND

1 As regulations on the age of admission of children to employment in commercial establishments were introduced in Finland by the Act of 24 October 1919 on conditions of work in shops, warehouses and offices, it is recommended that the international regulations should take the form of a Draft Convention for these branches. For other branches the regulations to be adopted should take the form of Recommendations.

## FRANCE.

1 The French Government considers it desirable that the International Labour Conference should adopt international regulations on the age of admission of children to employment in non-industrial occupations.

Such international regulations would be intended to supplement those which the Conference has already adopted in the form of Conventions on the age of admission of children to industrial employment, employment at sea, and agricultural employment, and should also take the form of a Draft Convention.

## GERMANY

1 (a) The German Government is in favour of international regulations.

(b) The German Government hopes that it will be possible to give to the international regulations the form of a Draft Convention. However, this draft should not be too rigid, in order that as large a number as possible of the States Members can ratify the Convention. The Draft Convention might be accompanied by a complementary Recommendation for details of application.

The German Government considers it of importance that a clear definition for the expression "child" should be given in the Draft Convention. It proposes the following: "For the purpose of this Convention the term 'children' means boys and girls who have not yet reached the age of 14 or are still required to attend school (*volksschulpflichtig*)."

## GREAT BRITAIN.

1 (a) The answer is in the affirmative.

(b) A Draft Convention.

## GREECE.

1 The reply is in the affirmative The Government is in favour of a Draft Convention

## HUNGARY

1 It is desirable that the International Labour Conference should adopt a Draft Convention on the age of admission of children to employment in non-industrial occupations

## INDIA

The Indian Government prefaces its reply with the following observations

The Questionnaire (red pamphlet) relating to the age for admission of children to employment in non-industrial occupations was received by the Government of India on the 10th of August 1931. but additional copies for circulation to Local Governments were not received until the 7th September As the replies have to be sent to the International Labour Office before the 15th of November, it has not been possible for the Government of India in this short time to obtain the considered views of Local Governments The replies which are now given must therefore be regarded as provisional

Labour conditions in India have recently been examined by a Royal Commission on Labour which was appointed in 1929 In its report which was published in July 1931 the Commission has dealt with the starting age for the employment of children in the different industries which came within its purview In the case of factories using power the majority have recommended no change in the existing law which prescribes a minimum age of 12 years But in the case of docks and mines the Commission has recommended the raising of the minimum age from 12 and 13 respectively to 14 years On the other hand for plantations and factories not using power it has suggested a starting age of only 10 In the case of the latter establishments the Commission pointed out —

‘No regulation, even of the simplest kind, touching the workers themselves has even been operative This makes it not only advisable but necessary to apply that principle of gradualness which we have already shown to have characterised previous measures for ameliorating industrial standards’

And again —

“ Unfortunately, as we have shown, there is in many cases, though not in all, an easy avenue of escape from such regulation, particularly in a country where compulsory education is still the exception rather than the rule. Realising, therefore, the necessity of educating both employers and parents to a higher standard of consideration for child welfare, and for the passing only of such legislation as is capable of enforcement, we recommend that the starting age for children in such places shall in the first instance be 10 years

In suggesting such a low starting age for factories not using power the Commission made it clear that its recommendations must be regarded essentially as a first step and that the possibility of further advance should be explored after a period of five years. The proposals of the Labour Commission are receiving careful consideration, but it is necessary to point out here that the observations of the Commission quoted above apply equally to non-industrial as to industrial establishments. The Government of India are satisfied that India cannot hope to conform immediately to standards which are acceptable to western countries and that the best course would be to aim at gradual progress. They feel that this is a case in which “ differences of climate, habits and customs, of economic opportunity and industrial tradition ” justify special treatment. The size of the country, the prevailing illiteracy among the masses, the absence of compulsory education in most areas, the lack of any proper system of birth registration, and the absence of any strong public opinion against the employment of children of tender age are factors which will require very careful consideration before any practicable scheme of regulation can be devised for this country. In view of the difficulties, a Recommendation would be more helpful in ensuring gradual progress, while a Draft Convention might not be acceptable unless it prescribes a standard for India very much lower than is considered necessary in the West.

The replies below to each Question must be read subject to the observations in this introduction.

The reply to the first Question is as follows

1 (a) Yes

(b) So far as India is concerned a Recommendation would be more practicable than a Draft Convention, because, as already explained, —

(c) India may not find it practicable to adopt a uniform minimum age for all occupations, and



(ii) progress in this direction must be gradual, the standard which can be accepted immediately must necessarily be very much lower than in western countries, but this standard should be capable of being gradually raised in the light of the experience gained

### IRISH FREE STATE

- 1 (a) The reply is in the affirmative
- (b) Draft Convention

### ITALY

1 The Italian Government considers it desirable that the International Labour Conference should regulate the conditions and the age of admission of children to employment in non-industrial occupations. These regulations should take the form of a Draft Convention, so as to complete by means of equivalent provisions the system already applied in part in the same matter by means of the Conventions on the age of admission of children to employment in industry, the mercantile marine, and agriculture

### JAPAN

The Japanese Government has given the following general reply to the Questionnaire

The Japanese Government is in favour of the adoption of a Draft Convention containing the following provisions.

1 The scope of application should include all occupations not covered by the three Conventions dealing respectively with the minimum age for admission of children to industrial employment, the minimum age for admission of children to employment at sea, and the age for admission of children to employment in agriculture

2 Children under the age of fourteen years may not be employed save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance the employment shall not be such as to prejudice their attendance at school

3 Exceptions should be provided for the work done by children in technical and professional schools, provided that such work is approved and supervised by public authority

As regards the other matters, it is considered that each country should be free to regulate them

## LATVIA

1 The Latvian Government considers that the International Labour Conference should adopt international regulations concerning the age of admission of children to employment in non-industrial occupations. These regulations should take the form of a Draft Convention rather than of a Recommendation.

## LUXEMBURG

1 As the age of admission of children to industrial, maritime, and agricultural work has already been the subject of international conventions adopted at Washington (1919), Genoa (1920), and Geneva (1921) respectively, it would only be right and equitable that international regulations should also be adopted for the protection of children working in non-industrial occupations.

In the Grand Duchy of Luxemburg the problem of the admission of children to employment is principally regulated by the Act of 10 August 1912 on the organisation of elementary education, and the Act of 18 June 1870 on itinerant occupations.

With regard to the form which the international regulations should take, it may be wondered whether the complexity and diversity of the problem, raising as it does a number of questions of internal organisation and administration in each country, are not reasons for adopting the more elastic form of an international Recommendation.

Notwithstanding this consideration, Luxembourg is in favour of adopting the form of an international Convention.

## NETHERLANDS

1 From the standpoint of workers' protection it is desirable that regulations concerning the age of admission of children to employment in non-industrial occupations should be established in the different countries. For reasons of international competition it is to be recommended that the largest possible number of countries should have similar regulations. The adoption of a Draft Convention by the International Labour Conference would contribute to this object, and it is for this reason that the Netherlands Government considers it desirable that the Conference should adopt a Draft Convention on the matter.

# NORWAY

1 (a) Yes It is understood that the Draft Convention should only apply to professional work

(b) The regulations should take form of a Draft Convention

# POŁAND

1 The Polish Government considers it desirable that the International Labour Conference should adopt international regulations concerning the age of admission of children to employment in non-industrial occupations

These regulations should take the form of a Convention For the decision adopted at the first three Sessions of the Conference concerning the same question of the age of admission of children to employment in different branches of activity the Conference selected the form of a Convention It is clear that the same form of decision — the only form involving strict legal obligations the enforcement of which can be supervised by the International Labour Organisation — should be adopted for the protection of children in the field of employment covered by the Questionnaire

# PORTUGAL.

1 The Portuguese Government considers that the regulations should take the form of a Recommendation If the Conference considers that a Draft Convention is preferable the Portuguese Government replies as below

# SOUTH AFRICA

1 (a) The reply is in the affirmative

(b) A Draft Convention

# SPAIN

1 It is desirable that the Conference should adopt international regulations to complete the Conventions adopted in 1919, 1920 and 1921, thus regulating the age of admission to work of children in general

The regulations should take the form of a Draft Convention, since the legal character of the measures requires the form of an executive text and not merely of a Recommendation

## SWEDEN

1 The reply to the question contained in the first paragraph is in the affirmative

With regard to the more important points at least it would scarcely appear that anything but a Convention could be considered

## SWITZERLAND

The Swiss Government ventures to preface its reply to the Questionnaire with the following preliminary observations

With regard to the present position of Swiss legislation on the subject under consideration, reference may be made for details to the report forwarded to the International Labour Office by the Federal Office of Industry Arts and Crafts and Labour in July 1930 <sup>1</sup>

## I

The Swiss Government approves in principle the intention of the International Labour Organisation to extend its regulations on the age of admission of children to forms of employment which have not hitherto been covered. Such action will fill a gap which might in the long run have regrettable consequences, especially for countries which conform strictly to the regulations of the International Labour Organisation in framing their social legislation. All the same, the measure proposed causes some apprehension to this Government, in the opinion of which the necessity for international regulations is far from being as urgent for the forms of activity covered by the general term "non-industrial occupations" as for industrial undertakings, both large and small, and transport undertakings. The reasons for this opinion are the following

Commerce — including banking, insurance, office work and similar work — as well as other forms of non industrial work, usually occasions fewer occupational dangers than strictly industrial activities, though this statement does not, of course include certain activities which may be dangerous from the moral standpoint, such as street trading, employment in restaurants and cafés, as well as in places of public entertainment. Further, work is without doubt less intensive in commerce than in industry, particularly for children and young persons. It may therefore be concluded that, from the

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<sup>1</sup> This report is practically reproduced on pp 85-88 of the Grey Report, which was submitted by the International Labour Office to the Fifteenth Session of the Conference (1931), on the *age of admission of children to employment in non-industrial occupations*

standpoint of occupational hygiene the protection of children is of less urgent necessity in these occupations.

It may also be noted that there are fewer children employed in commerce than in industry, chiefly because in most countries commerce does not employ such large numbers of persons as industry. Moreover, as admission to commercial occupations calls for more advanced preliminary education, the age of admission is usually higher.

It should further be remembered that commercial employment is preceded more often than industrial employment by a period of apprenticeship the conditions of which are specified in a contract entered into in writing and which is usually subject to supervision by the authorities. It is rare that children are engaged in a commercial undertaking otherwise than as apprentices, and even in these exceptional cases the work performed is more often than not light work of an auxiliary character.

It may be inferred from these considerations that, from a purely humanitarian point of view, protective measures are also less necessary in commerce than in industry.

Again if the question is regarded from the standpoint of international competition, it will be found that there is no urgent reason to justify uniform international regulations for commerce and the other non-industrial occupations under consideration. Such regulations might be conceived for export trades. They might also be justified, to a less extent, for the hotel industry, although there are very few children employed in this branch. As regards the other non-industrial occupations, however, international competition can hardly be said to have any bearing on the question.

The Swiss Government would therefore have preferred that the International Labour Organisation should first of all direct its efforts towards a more general application of the provisions already adopted for industrial undertakings, both large and small. In this connection it may be mentioned that the Convention fixing the minimum age for admission of children to industrial employment, adopted at Washington in 1919 and ratified by Switzerland, has, after twelve years of existence, been accepted by only one third of the States Members, and even this proportion does not include several of the important industrial States. And yet this Convention only lays down a few protective measures of an essential character and contains fewer restrictions and detailed provisions than—to judge from the Questionnaire—are now being contemplated for commerce and other non-industrial occupations.

For all these reasons, the Swiss Government has some doubts as to the present advisability of the proposed regula-

tions In its opinion the International Labour Organisation should overload the regulations with so many details as it would appear to wish to do in the question under consideration. Ratifications should not be hindered by a plethora of restrictions and administrative provisions which might endanger the universality of international legislation, which is the basic principle of the International Labour Organisation.

Furthermore the Swiss Government is faced in the present instance with difficulties arising from Swiss constitutional law and the existing state of Swiss labour legislation. As was mentioned in the Swiss Government's report of July 1930, the Confederation is not competent to legislate in the matter of domestic employment. Its competence is also disputed in relation to the regulation of the age of admission or other working conditions for sick nursing. It would not thus be possible to enact legislation in Switzerland for these two forms of activity in a sufficiently near future to enable the Government to accept international regulations. It is therefore thought that any such regulations should refrain from dealing with these two branches of employment. In any case, the countries which have adopted legislation on these matters are at present extremely few in number, and this would not fail to constitute a considerable hindrance to the adoption and application of uniform rules on an international scale. Nor could Switzerland adhere to a Convention which covered the other non-industrial occupations, for there is no Federal legislation concerning them at the moment in this country, as the Government's report of July 1930 pointed out. At the same time, the Federal legislation which is at present being framed would probably meet some of the requirements of international regulations. For example, the coming Federal law on industrial and Commercial Work (excluding factory work) will in all probability contain rules on the age of admission of children to work in commerce, restaurants, cafés, etc. It is impossible as yet to say, however, what these provisions will be in detail and at what date they will come into force.

For these various reasons it is thought that the regulations under consideration should take the form of a Recommendation. It would thus be easier for several States Members to conform to the regulations, and if they all treated the Recommendation in the manner laid down by the constitution of the International Labour Organisation (Article 405 of the Treaty of Versailles), it would be an encouraging beginning for the international protection of children in non-industrial occupations. If, however, the majority of the States Members were in favour of a Draft Convention this Government might *à la rigueur* be able to associate itself with them, on condition that the

regulations should not go beyond certain limits. In the opinion of this Government, the regulations should at most be confined to the following points

(1) The fixing at 14 years of the *general age of admission* to employment in the non-industrial occupations so far uncovered by international regulations

(2) The *exclusion* of domestic work, sick-nursing, and other branches which may be proposed by States Members, as well as the exclusion of establishments in which only members of the same family are employed

(3) It should be permitted to employ children under the general age of admission in *light work* outside the hours of school attendance, provided that such employment is not harmful to the physical, intellectual and moral development of the child, involves no special danger of accident, and is carried on to an extent which does not cause excessive fatigue. It should be left to the competent authority of each country to specify the light work in question, to settle the conditions to be taken into consideration, as well as the working conditions, including, if necessary, a minimum age

(4) In the case of *work of a dangerous character*, i.e., involving special liability to accident, or of such a nature as to prejudice the health or morals of the child, it would be desirable to lay down a higher minimum age of admission. Family undertakings coming within this category should also be subject to the Convention. Power should be left to the States Members to specify the forms of work which are of a dangerous character and to fix a higher minimum age or ages for admission to employment in such work

(5) States Members should be required to take the necessary measures to ensure the general enforcement of the Convention. They should, however, be left free to select the means of execution and supervision

In the opinion of the Swiss Government, no provisions of a more far-reaching character or of less importance should be included, or, alternatively, any such provisions should be included in one or more Recommendations to supplement the Convention.

## II

Subject to the above considerations, the following replies are given to the different Questions

### *Title*

The title given to the question on the agenda is not entirely satisfactory to the Swiss Government, firstly on account of the use of the term "occupations", and also because it goes beyond the scope really contemplated

With regard to the word "occupations", attention is drawn to the brochure entitled *Systems of classification of industries and occupations* published by the International Labour Office in the series of Studies and Reports (series N — "Statistics" — No 1) In this publication a distinct difference is drawn between the two criteria according to which the different categories of workers may be classified It is clear from the publication in question that the Conventions on the age of admission of children to industrial work, maritime work, and agricultural work, are not based on the notion of "occupation" For this reason it is proposed that the term "work" or "employment" should appear in the title

"Non-industrial work" or "employment" naturally includes agricultural work and maritime work Confusion might thus arise if the title itself does not show clearly the scope of the future decision so as to distinguish it from the decisions already in existence After full consideration, the Government proposes the following title "The age of admission of children to commercial employment and to other non-industrial employments"

The reply to the first Question in the Questionnaire is as follows

1. The reply to the first paragraph is in the affirmative It is observed, however, that the use of the term "occupation" in defining the scope is not approved, and that it is thought preferable to employ the expressions "industry" or "activity" ("work or employment") No further reference will be made, in the subsequent Questions, to the erroneous use of the term "occupation"

As regards the second paragraph, the regulations should take the form of a Recommendation However, if this form does not meet with the approval of the majority of the States Members, the Government might be able to support a Convention provided that it did not go further than the provisions mentioned in the introduction (See above) All other decisions might, if necessary, form the subject of a Recommendation to be adopted as a supplement to the Convention



## URUGUAY

1 The National Office of Labour considers that international regulations on the subject should be adopted

There would appear to be adequate reasons why such regulations should take the form of a Convention

## YUGOSLAVIA

1 Since it is thought that the international regulation of the age of admission of children to employment in non-industrial occupations is of great social importance, the Government considers that the regulations should take the form of a Draft Convention

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**Questions 2-3.***Scope.*

2 (a) Do you consider that the Draft Convention should in principle include within its scope all occupations other than those in industry, agriculture, and on board ship already covered by the three following Conventions previously adopted by the Conference .

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919) ,

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920) ,

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921)

(b) Do you propose to exclude from the scope of the Draft Convention any other occupations in addition to those excluded in advance by the above Conventions ?

3. (a) For the purpose of drafting, do you consider that the scope of the Draft Convention should be defined by a general formula to the effect that it includes all occupations other than those covered by the three Conventions mentioned above (and excluding, if necessary, any further occupations proposed under (b) of Question 2) ?

If so, should the Draft Convention, on the analogy of the 1919 Convention mentioned above (Article 1, last paragraph), require the competent authority in each country to define the line of division which separates the occupations to be included, on the one hand, from industry, agriculture, and employment on board ship, on the other ?

In such case, should the Draft Convention require the competent authority to consult the employers' and workers' organisations concerned before defining this line of division ?

(b) If you are not in favour of the method of drafting referred to under (a), what other method do you propose for defining the scope of the Draft Convention ?

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## AUSTRIA

2 and 3 The Draft Convention should, in principle, cover all occupations and forms of employment which are not already covered by the three Conventions mentioned in the questionnaire

The only exception should be for inland navigation as the character of this occupation renders it unsuitable for inclusion with the other forms of occupation to which the Draft Convention would apply. The employment of children in inland navigation should rather be reserved for special international regulations in order not to depart from the method hitherto followed in international labour legislation of dealing separately with working conditions in maritime and inland navigation.

A complete enumeration of all the occupations and forms of employment which are to be covered by the Draft Convention would hardly be possible. It is therefore recommended that the scope of the Draft Convention should be defined by a general formula in the sense of question 3 (a), subject to the exception proposed in the foregoing paragraph for inland navigation, and that it should be left to the individual States to define the line of division between non-industrial occupations on the one hand, and industry, agriculture, and maritime and inland navigation, on the other.

In this connection it has to be observed that no reference is made in the questionnaire to the important question of what is to be regarded as the "employment of children" for the purpose of the Draft Convention. It will, however, be indispensable to have a definition of this expression in the Draft Convention in order to avoid misinterpretations, as this expression is not used uniformly in the national legislation of the individual States. To begin with it seems desirable to make it clear whether the expressions "work" and "employment" which are used side by side in the questionnaire are identical. A definition of the expression "work" or "employment" must further determine whether it is to be understood to cover only remunerated work based on a contract of employment or also work performed on the basis of some other position of duty or dependence, e.g. the work of children in domestic service, in a home industry, or in home work for their parents and further, whether it covers only regular work ("employment") or also the performance of isolated services.

The replies to the following questions are based on the assumption that the expressions "work" or "employment" only refer to the remunerated occupation of children other than one's own in work of any kind, or to regular occupation of this kind even if not specially remunerated.

## BELGIUM

2 (a) In order to complete the regulations framed at the Washington, Genoa and Geneva Sessions of the Conference, the Draft Convention should apply to all occupations which are not covered by the Conventions of 1919, 1920 and 1921

(b) The question of applying the Draft Convention to inland navigation does not arise. As a matter of fact, the Washington Convention on the age of admission of children to industrial employment extends to inland navigation, as Article 1 (d) expressly provides that transport of passengers or goods by *voie ferrée ou voie d'eau* is regarded as an industrial undertaking for the purposes of the Convention. Besides, the English text "road or rail or inland waterway" defines the French expression *voie d'eau* and makes it quite clear that inland navigation is subject to that Convention. Further in the Convention in question no restriction has been incorporated for the purpose of reserving consideration of the question for a special maritime conference, as was provided for in the Washington Convention on Hours of Work.

Moreover, inland navigation undertakings carried on by members of one and the same family constitute family undertakings and are excluded as such from the scope of the Convention in question under Article 2.

As regards sea-fishing the Belgian Government considers that this occupation should be excluded from the scope of the new international regulations. This exclusion is justified by various reasons which, in short, are based on the very special conditions in which this occupation is carried on and in which the technical training for fishing is acquired.

In expressing this opinion, however, the Belgian Government bases its view principally on the discussions which took place at the Genoa Session of the Conference on the question whether the reforms proposed at that time in favour of seamen should be extended to sea fishing. The Conference was unanimous in deciding that the fishing industry should be dealt with by special and separate regulations the framing of which should be entrusted to special experts in the matter.

3 (a) As suggested above the Draft Convention should include all occupations not covered by the three previous Conventions and excluding sea fishing. A general formula is accordingly preferable to a list which might contain omissions.

It should be left to the competent authorities in each country to define the line of division between the occupations

to be covered, on the one hand, and those which come under the three Conventions of Washington Genoa and Geneva (1921), on the other, and the competent authorities should for this purpose consult the employers' and workers' organisations

(b) See reply to (a)

## BRAZIL

2 (a) The reply is in the affirmative It should be understood that work on board fishing vessels is included in maritime work

(b) It is proposed that work in river navigation should be treated in the same way as work in maritime navigation, and consequently be excluded from the scope of the Convention

It is also proposed that private domestic employment should be excluded (See reply to Question 13)

3 (a) and (b) It is not thought that it would be sufficient to define the scope simply by a general formula It is difficult in certain respects to draw an absolutely clear line of demarcation between the occupations covered and those not covered On the other hand, a detailed list of the occupations to be included would inevitably contain omissions

It is therefore proposed that the general formula should be completed by a list of the groups of employments and occupations included in the scope, *i e*

(i) Commerce of whatever kind and on whatever scale

(ii) Offices and administrations of every category.

(iii) Establishments for medical and hygienic treatment (with certain restrictions)

(iv) Occupations and work involving danger to life or to the physical, intellectual and moral development of children

(v) Street occupations,

(vi) All theatrical and amusement undertakings, including rehearsals for performances therein.

(vii) Any other employment or occupation included within the general formula, but not falling within any of the above groups

More detailed definitions would be given in the regulations issued in the different countries In certain doubtful cases consultation of employers' and workers' organisations might be expedient

## BULGARIA

2-3 To enumerate all the occupations which are to come within the scope of the Recommendation is impossible because of differences in the conditions in different countries. For this reason it is preferable to use a general formula which would include all the occupations and so enable the competent authorities to consult the employers' and workers' organisations concerned for defining the line of division separating the occupations to be included on the one hand from those in industry, agriculture, and on board ship on the other.

In conformity with s. 13 of the Bulgarian Industrial Hygiene and Safety Act, children under 14 years of age are not admitted to employment either in the occupations referred to in the Questionnaire or in commerce, the building trade, and transport undertakings.

## CANADA

*Alberta*

2-3 See above p. 10

*British Columbia*

2 (a) The reply is in the affirmative

(b) The reply is in the negative

3 (a) The reply is in the affirmative to the first paragraph of the Question, and in the negative to the other two paragraphs

*Manitoba*

2 (a) The reply is in the affirmative

(b) The reply is in the negative

3 (a) The replies are in the affirmative

*Ontario*

2 (a) It is our opinion that the Draft Convention should in principle include within its scope, except as hereinafter provided, all occupations other than those in industry, agriculture, and on board ship, which have already been covered by Draft Conventions.

(b) We should deem it advisable to exclude from the scope of the Draft Convention the work of domestic service and work in undertakings in which only members of the family are employed. It is not our intention, however, that such work should be permitted in contravention of the provisions of the School Attendance Acts. Employment in inland navigation and on fishing vessels should also be excluded.

3 (a) It is our opinion that the scope of the Draft Convention should be defined by a general formula including all occupations other than those already covered by the three Draft Conventions with the exceptions noted in 2. The competent authority in each country, upon consultation with employers' and workers' organisations, should define the line of division which separates the occupations to be included from the occupations already covered by Draft Conventions.

### *Saskatchewan*

2-3 The opinion is held that the competent authority in each country should define the line of demarkation between non-industrial occupations and industrial, maritime, and agricultural occupations.

It is not considered necessary that the competent authority should consult employers' and workers' organisations before defining the line of division. The officers of the competent authority charged with the work of administration of child welfare legislation should determine the classification of employment coming within the scope of the Recommendation.

### CHILE

2 (a) and (b) The Draft Convention should include all occupations other than those covered in the Conventions mentioned in the Question.

3 (a) and (b) The scope of the Draft Convention should be defined by a general formula to the effect that it includes all the occupations referred to in the above reply to Question 2.

The competent authority in each country should, after consulting the employers' and workers' organisations concerned, define the line of division which separates the occupations to be included in the Draft Convention, on the one hand, from industry, agriculture, and employment on board ship, on the other.

## CUBA

2 (a) If the Draft Convention which it is proposed to adopt is to include within its scope only non-industrial occupations, the occupations covered by the three Conventions fixing the minimum age for admission of children to industrial employment, fixing the minimum age for admission of children to employment at sea, and concerning the age for admission of children to employment in agriculture ought not to be dealt with by it, for they are already regulated, except that certain of these Conventions include occupations which may be regarded as non-industrial, and in this case it should be determined which Convention is to cover these occupations

(b) For the reasons above stated, all industrial occupations should be excluded from the scope of the Draft Convention

3 (a) When the Draft Convention is drawn up, its scope should be defined by a general formula to the effect that it covers all non-industrial occupations, including those now covered by the three Conventions referred to above

The competent authority in each country should define the line of division which separates industrial from non-industrial occupations, after consultation on the subject with the employers' and workers' organisations concerned

## DENMARK

2 (a) In accordance with the reply to question 1 the Danish Government considers, in principle, that the Draft Convention should include in its scope all undertakings other than those of an industrial, agricultural, or maritime character (cf. reply to 2 (b))

2 (b) As stated on page 28 of the Questionnaire, this question refers to work carried on board vessels engaged in inland navigation, or in fishing

The Danish Government considers that the Draft Conventions should also afford protection to children in this sphere, and protection of this description exists in Denmark in virtue of the Seamen's Act referred to above, according to the provisions of which children under 14 are not admissible for employment on board vessels engaged in inland navigation, or in fishing

As regards the relations between these forms of employment and maritime navigation, it may be questioned whether this problem should not eventually be regulated by a special Draft Convention applicable to maritime navigation



3 (a) The Danish Government considers that for reasons of principle it would scarcely be practicable to define the scope of the Draft Convention by a general formula, the contents of which are in reality already determined by the scope of the three international Conventions on the minimum age previously adopted. For the fact must not be lost sight of that the Governments of States Members which have not ratified all these three Conventions might consider a formula of this kind as an obstacle to the ratification of the new Draft Convention. In fact, however, this obstacle may be regarded as unimportant, since the scope of the three previous Conventions is so well-defined that, even in cases where the Government of a State Member had not ratified all these Conventions, no practical difficulty should arise in determining the scope of the new Draft Convention. It would, moreover, be difficult to define the scope of the Draft Convention by enumerating all the occupations to which it is intended to apply: an enumeration of this kind could never be perfectly complete, and on this account there would be a risk of leaving loopholes to the protection to children afforded by the Draft Convention.

In accordance with the considerations set forth above, the Danish Government considers that it should not be necessary to require the competent authorities in each country to define the line of division which separates the occupations to be included, on the one hand, from industry, agriculture, and employment on board ship, on the other. But there would be no objection to inserting a provision in the Draft Convention to the effect that this line of definition must be drawn. In this case the competent authorities should be required to consult the employers' and workers' organisations concerned before defining it.

#### ESTONIA

2 (a) The reply is in the affirmative

(b) The reply is in the negative

3 The reply is in the affirmative

#### FINLAND

2 See reply to question 1

3. The scope of the Draft Convention might be defined in the same way as in the Convention concerning the regulation

of hours of work in commerce and offices. In any case the scope should be defined independently and without directly mentioning Conventions previously adopted. It should be for the authorities in each country to fix the line of division with regard to occupations carried on in industry, agriculture, and on board ship, in consultation with the employers' and workers' organisations concerned.

## FRANCE

2 The Draft Convention would be a continuation of the Conventions adopted by the Conference at Washington in 1919 concerning the minimum age for admission of children to industrial employment, at Genoa in 1920 concerning the minimum age for admission of children to employment at sea, and at Geneva in 1921 concerning the age for admission of children to employment in agriculture and should in principle regulate the age of admission to employment of all children who are not covered by the previous Conventions.

Children employed in family undertakings and those employed in private domestic service should, however, be excluded from the proposed scope of application for the reasons and under the conditions mentioned in the following replies concerning possible exceptions and special cases.

3 It seems preferable that the scope of the future Convention should, as in the case of the previous Conventions, be defined by specification of the kinds of undertakings or occupations to be covered by the regulations.

In any case, in whatever manner the scope of application may be defined, the French Government considers that the Draft Convention should apply to children employed in —

Commercial undertakings of all kinds,

Undertakings which are both of an industrial and a commercial character in so far as they are not regarded by national legislation as industrial undertakings, it being understood that the latter are those covered by the Washington Convention,

Undertakings and administrations the work of which is essentially office work

Liberal professions.

Itinerant trades (street trading, hawking)

The competent authority of each country should be entrusted with fixing the line of division between undertakings and occupations coming under the new Draft Convention and undertakings or occupations coming under the previous Conventions. The employers' and workers' organisations concerned could be consulted on this question.

# GERMANY.

2 (a) and (b) With the exception of domestic service, all occupations not so far covered by an international Convention should in principle be included. The Household Employment Bill laid by the German Government before the previous Reichstag, but not yet adopted, provides for protection for children who have not reached the age of 14 or are still required to attend school. The German Government is afraid, however, that many States would find it difficult to ratify the Draft Convention if its scope extended to household employment (cf. reply to Question 13).

The questions of inland navigation and fishing are dealt with in the reply to Question 17.

It is assumed that the employment of children in connection with religious services is not to come under the Draft Convention.

3 (a) The scope should be defined by a general formula, having regard to the exception asked for in the reply to Question 2 (b). Instead of the formula proposed in the Questionnaire the following is proposed: "Convention concerning the minimum age for the admission of children to employment (or work) of a non-industrial kind." The change lies in the fact that the word "employment" or "work" is used instead of "occupations". In this way forms of employment could be covered which are not occupations in the strict sense, e.g. children, with or without the knowledge of their parents, taking on jobs as porters, guides, attendants for looking after motor-cars, etc., and also as pin-boys at club skittle alleys, employment at club sports grounds, club bathing-places or at other such establishments, and similar jobs.

It should be left to the legislation of the States Members to define the line of division between the occupations covered and those which are not covered. The question whether and to what extent it should be required to consult in this matter the industrial organisations would be better dealt with in the complementary Recommendation than in the Draft Convention.

(b) No reply is called for, in view of the reply above to (a).

# GREAT BRITAIN.

2. (a) The answer is in the affirmative.

(b) The answer is in the negative.

3 (a) It would be a very difficult task to prepare a list of non-industrial occupations applicable to all countries,

and such occupations are so miscellaneous in character that to arrange them in groups would be still more difficult. The best course would appear to be to adopt a general formula as suggested in the question.

As regards the point raised in the second paragraph of the question, His Majesty's Government in the United Kingdom sees no objection to the insertion of a paragraph similar to the last paragraph of Article 1 of the Convention of 1919.

### GREECE

2 (a) The reply is in the affirmative

(b) The reply is in the negative

3 The replies to the three paragraphs are in the affirmative

### HUNGARY

- 2 (a) It is desirable that the scope of the Draft Convention should cover all occupations other than those in industry, agriculture, and on board ship

(b) The reply is in the negative

3 (a) The replies of the Royal Hungarian Government to all three questions included under this number are in the affirmative

### INDIA.<sup>1</sup>

2 (a) In the case of a Recommendation there would be no objection to its scope being made wide enough to include all occupations which have not been included within the scope of the three previous Draft Conventions. But if a Draft Convention is contemplated, it would be necessary, so far as India is concerned, to make its scope more definite. In this connection, it may be pointed out that the Draft Convention fixing the minimum age for admission of children to industrial employment gave special treatment to India not only in the matter of the minimum age but also the nature of the occupations in which the minimum age is to be enforced. It would not yet be possible for India to accept a Draft Convention which would have the effect of depriving her of the special treatment which was accorded to her in 1919.

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<sup>1</sup> Provisional reply see above p 14

(b) If a Recommendation is adopted no exclusion would be necessary, but in the case of a Draft Convention it would be necessary, so far as India is concerned to specify the particular occupations to which the Convention would apply just as was done in Article 6 of the Convention fixing the minimum age for admission of children to industrial employment

3 (a) For the reasons given in the reply to question 2 (a) a general formula as suggested to define the scope of the Draft Convention does not appear to be practicable for India

(b) In a Draft Convention applicable to India the only practicable method of defining its scope would be to specify the list of occupations to which it is to apply

### IRISH FREE STATE

2 (a) The reply is in the affirmative

(b) The reply is in the negative

3 (a) The replies to all three questions are in the affirmative

### ITALY

2 (a) and (b) The scope of the Convention should include without exception all the occupations not covered by the three international Conventions already adopted by the Conference concerning the minimum age for admission of children to industrial employment, employment at sea, and employment in agriculture

3 (a) and (b) The scope should be defined by a general formula, so as to include all children not covered by the three Conventions mentioned above, and so as to avoid the establishment of analytical lists of occupations, which can never be complete

The line of division between the occupations covered by the three above-mentioned Conventions (industry, agriculture, employment on board ship) and the occupations to be dealt with by the Draft Convention should be fixed by the competent authorities in each country after consulting the employers and workers' organisations concerned

## JAPAN

See general reply under Question 1, p 16

## LATVIA

2 (a) The scope of the Draft Convention should in principle cover all occupations other than those in industry, in agriculture, and on board ship, which are already covered by the following three Conventions already adopted by the Conference

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919),

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920),

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921)

2 (b) and 3 (a) It should be left to the competent authority in each country to define the line of division which separates non-industrial occupations, on the one hand, from industrial, agricultural, and maritime occupations, on the other, and to provide for the consultation of the employers' and workers' organisations concerned before defining this line of division

## LUXEMBURG

2 A definite and restricted list of the non-industrial occupations to be covered by the Draft Convention would certainly be preferable. In view, however, of the variety of conditions in the different non-industrial occupations to be covered by the Convention, it would appear very difficult to draw up such a list. Further, any list of the kind might fail to be complete.

It therefore appears desirable to adopt a more general and elastic formula and to make the Convention cover all occupations other than those in industry, agriculture, and on board ship, already covered by the three Conventions of Washington, Genoa and Geneva.

3 The reply to these questions is implicitly contained in that to Question 2.

On the assumption that a general formula is adopted, it would be desirable to leave it to the competent authority in each country to define the line of division which separates

non-industrial occupations, on the one hand, from industrial, agricultural, and maritime occupations on the other. if necessary after consulting the employers' and workers' organisations or representatives concerned

## NETHERLANDS

2 (a) The scope of the Draft Convention should in general cover all occupations, including the liberal professions, other than those for which regulations are already contained in the Conventions referred to in the Question

(b) There is no need to exclude certain occupations from the scope of the Draft Convention

3 The scope should be defined by a general formula as indicated in the Question

It can be left to the individual countries to define the line of division between the occupations within the scope of the Draft Convention and those covered by the Conventions referred to in Question 2. There is no objection against prescribing consultation of the employers' and workers' organisations concerned, this has already been prescribed

## NORWAY.

2 (a) Yes

(b) Employment on board vessels engaged in *inland navigation*, and vessels engaged in the *catching and fishing* industry should be excluded from the scope of the Draft Convention. These matters should be regulated by special Conventions prepared according to the special procedure which has been instituted relating to employment on board ship

3 (a) The Draft Convention should be defined by a general formula to the effect that it in principle includes all occupations not being specially excluded under question 2 (a) and (b)

It should be left to the competent authority in each country to define the line of division which separates the occupations to be included from those not to be included. The employers' and workers' organisations concerned should be consulted before this line of division is to be defined

## POLAND.

2 (a) The task before the Conference would not be complete if the Draft Convention contemplated did not cover all occupations other than those which are carried on in industry, agriculture, and on board ship and, which are already subject to international regulations

(b) It follows that no occupation other, than those which are already excluded by the three Conventions referred to should be excluded from the scope of the Draft Convention

3 The scope of the Draft Convention should be defined a general formula so that it includes all occupations other than those which are covered by the three following Conventions, the Convention fixing the minimum age for admission of children to industrial employment, the Convention fixing the minimum age for admission of children to employment at sea, and the Convention concerning the age for admission of children to employment in agriculture

The competent authority in each country should, where necessary and after consultation of the occupational organisations of employers and workers,<sup>1</sup> define the line of division between the occupations to be included, on the one hand, and those which are carried on in industry, agriculture, and on board ship, on the other

## PORTUGAL

2 (a) All occupations should be covered with the exception of those already regulated by the Conventions of Washington 1919, Genoa 1920 and Geneva 1921 (industrial, maritime, and agricultural employment)

(b) See above reply

3 (a) The reply is in the affirmative

(b) No reply is required

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<sup>1</sup> The expression *organisations ouvrières* employed in the French edition of the Questionnaire should be replaced by the expression *organisations des travailleurs*, as in certain countries (e.g., Poland) it is *travailleurs* (salaried employees) who are primarily employed in the occupations to be covered by the Draft Convention



SOUTH AFRICA.

2 (a) Yes, except domestic service

(b) Domestic service

3 (a) The reply to the first paragraph is in the affirmative  
The reply to the second paragraph is in the affirmative  
(in relation to other Conventions referred to in 2 (a))  
The reply to the third paragraph is in the affirmative

SPAIN.

2 (a) The Government is in favour of the principle suggested in this question

(b) The reply is in the negative, as the scope of the Draft Convention should cover the various occupations other than those already regulated by the above-mentioned Conventions

3 The scope of the Draft Convention should be defined by general formulae

In the same way as in the 1919 Convention, the competent authority of each country should be required to define the line of division between industry, agriculture, and employment on board ship, and the occupations to be included. The competent authority should consult the employers' and workers' organisations concerned before defining this line of division

(b) In view of the above reply no answer to this sub-question is required

SWEDEN

2 It appears desirable that, as in the case of the Workers' Protection Act in Sweden, the scope of the Convention should be limited to the employment of children in work which has more or less the character of a permanent occupation of an active nature. Such a limitation would exclude, as is desirable, domestic work not carried on by the employer for gain from the scope of the Convention, in contrast with that carried on in hotels, boarding houses, restaurants, cafés and similar establishments. If this limitation cannot be effected it would be desirable to provide for an express exemption for the above-mentioned domestic work

As regards work on board vessels engaged in inland navigation and the fishing industry, it is desirable that children employed therein should be given the protection of the contemplated Convention. It is doubtful, however, whether it is desirable to extend the Convention so as to cover work in these maritime branches. It would rather appear that this matter should be dealt with in the same way as other questions relating to navigation.

3 (a) The replies to all the questions are in the affirmative.

### SWITZERLAND

2 (a) The reply is in the affirmative.

(b) The reply is in the affirmative - Domestic service (excluding hotels, boarding houses, nursing homes, etc.) and the occupation of sick nursing.

On pages 27-28 of the Questionnaire (Red Book) the International Labour Office mentions inland navigation and fishing.

In the opinion of this Government, inland navigation is governed by the Convention fixing the minimum age of admission of children to industrial employment. Article 1(d) of this Convention is as follows:

“Transport of passengers or goods by road or rail or *inland waterway*, including the handling of goods at docks, quays, wharves and warehouses, but excluding transport by hand.”

The laws and regulations adopted in Switzerland with a view to ratifying this Convention consequently apply to inland navigation.

As regards the fishing industry, it is in Switzerland traditionally included with agriculture, or at least is treated in connection with it. In the view of this Government it should not in principle be excluded from the scope of any regulations, but it should be left open to States Members to include it in industry, agriculture, or among non-industrial occupations. This observation really refers only to fishing carried on in inland waters, this being the only form of fishing on which Switzerland can express an opinion.

3 (a) The replies to the first two paragraphs are in the affirmative.

The reply to the third paragraph is in the negative. As this is a question of internal administration, it is desirable to leave Governments of the States Members entire liberty

as to whether they shall consult the employers' and workers' organisations concerned for defining the line of division. International decisions should in no case provide for a consultation of this nature in respect of particular cases. They might do so at most when it is a question of the general line of division.

(b) No reply is required to this question, in view of the above replies.

### URUGUAY

2 and 3 The Convention should include all occupations which are not covered by previous Conventions, it being understood that it is left to each State to specify the new occupations to be covered by the international regulations.

### YUGOSLAVIA.

2 It is considered that the scope of the Draft Convention should include all occupations other than those already covered by the three Conventions on the subject previously adopted by the Conference.

3 It is considered that, for the purpose of drafting, the scope should be defined by a general formula.

It should be left to the competent authority in each country to define the line of division which separates the occupations to be included, on the one hand, from industry, agriculture, and employment on board ship, on the other, after consulting the employers' and workers' organisations concerned.

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## Question 4-5.

*General minimum age.*

4. (a) Do you consider that the Draft Convention should prescribe, subject to such exceptions as it may specify, a general minimum age for the admission of children to employment in the occupations to be included in its scope ?

Should this general minimum age be fixed at 14 years ? Or do you propose another, and what age ?

(b) Should the Draft Convention further stipulate that the general minimum age is to coincide with the school-leaving age in countries where the school-leaving age is higher than 14 years or such other figure as may be fixed under (a) of this Question ?

5 Do you consider that the general minimum age should be laid down by the Draft Convention as an absolute provision so as to prohibit any employment in the occupations covered below such age .

(a) during the hours fixed, by national or local laws or regulations, for school attendance ;

(b) outside the hours so fixed for school attendance ?

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AUSTRIA

4 The age of admission should, in principle, be fixed at 14 years. However, when the school-leaving age in individual countries is higher than fourteen, the age of admission to employment should coincide with the school-leaving age.

5 Before they reach the admission age proposed in the reply to question 4, the employment of children should be absolutely prohibited during the hours fixed for school attendance, but outside such hours then employment should be prohibited subject to the exceptions proposed in the following replies.

# BELGIUM

4 (a) The Draft Convention should prescribe a general age of admission. This age should be fixed at 14 years.

(b) Further, in order to avoid conflict between legislation on school attendance and the labour regulations proposed it is desirable that the age of admission to employment should coincide with the school-leaving age in countries where the latter is higher than 14 years.

5 The prohibition of the employment of children under 14 years of age should be laid down as an absolute rule so that any employment during or outside the hours of school attendance is prohibited.

# BRAZIL

4 (a) The general minimum age should be fixed at 14 years.

At the same time, the Draft Convention should lay down that in warm countries where development is earlier the minimum age may be lowered to 12 years, and that in countries with a varying climate (warm, temperate, cold), such as tropical and sub-tropical countries where appreciable differences of latitude and altitude are found the age of admission should be between 12 and 14 years.

(b) As the general tendency is to fix the school-leaving age at 14 years, it does not seem possible to make the minimum age of admission coincide with this limit in warm countries and those of varying climate.

In countries where the school-leaving age is higher than 14 years such a requirement would probably give rise to considerable difficulties.

5 (a) The reply is in the affirmative.

(b) The reply is in the negative, provided that only light work is allowed and that the regulations as to school attendance are observed. (See replies to Questions 7 and 8)

# BULGARIA

4 The Recommendation should contain general provisions concerning the age of admission, but should not fix a specific age. Further, the age of admission should coincide with the school leaving age.

In any case this age should not be less than 14 years for European countries. In Bulgaria, under ss 29 and 42 of the Public Education Act, compulsory education continues up to 14 years of age. Secondary education terminates at this age.

5-6 The age of admission of children to employment should not be made the subject of an absolute rule. The Recommendation can contain a provision allowing children under the general admission age to be employed in light work in their families or outside provided such employment is not unsuitable or dangerous for them and not such as to prejudice their attendance at school. As suggested in the reply to Question 8, children should be allowed to be employed in such light work throughout the school year and also outside the hours fixed for school attendance. This will tend to strengthen the child's will power and also accustom him to work.

Children under the age of admission should be allowed to be employed in light work, in spite of the legal obligation for compulsory education, in all cases where they are constrained by precarious economic conditions to leave school prematurely. In Bulgaria, under s. 18 of the Act on the organisation and development of handicrafts, children of 12 years of age can be employed as apprentices on the completion of their primary education. On the other hand, in handicrafts which are dangerous to life or are incompatible with the physical strength of children, the admission age is fixed at 18 years.

It is recommended that it should be left to the competent authority in each country to determine the forms of light work in which children may be employed.

## CANADA

### *Alberta*

4-5 See above p 10

### *British Columbia*

- 4 (a) The reply is in the affirmative 15 or 16 years  
(b) The reply is in the affirmative

5 (a) and (b) The replies are in the affirmative

### *Manitoba*

- 4 (a) The reply is in the affirmative  
Fourteen years of age  
(b) The reply is in the affirmative

5 (a) and (b) The replies are in the affirmative

# *Ontario*

4 We would deem it advisable that the general minimum age be fixed at 14 years to conform with the age of the other three Draft Conventions. It should be understood, however, that, in suggesting 14 as the general minimum age, there is no intention of lessening in any way the protection provided for children by those School Attendance Acts which require school attendance up to an age higher than 14.

5 (a) The Draft Convention should prohibit any employment in the occupations covered during hours fixed for school attendance, thus strengthening the provisions of the School Attendance Acts.

(b) Light work outside the hours fixed for school attendance should be excepted within certain limits, such limits and restrictions to be decided upon by the competent authority of each country, with a view to protecting children against overwork and ensuring regular school attendance.

# *Saskatchewan*

4-5. The opinion is held that the general minimum age should be determined by the competent authority and that such age should conform to the school leaving age in the countries where the regulation is adopted.

## CHILE

4 (a) and (b) The general minimum age of admission should be fixed at 14 years. It should be left to national laws and regulations to determine the relation between the age of admission and the school leaving age.

5 (a) and (b) The Draft Convention should prohibit absolutely the employment of children below the general age of admission fixed by it, with the exception of such light employment as may be permitted outside the hours fixed for school attendance.

## CUBA

4 (a) The reply is in the affirmative, but for legal and physiological reasons, it should be left to the competent authority in each country to fix the age for the admission of children to employment in the occupations to be included in the scope of the Draft Convention.

(b) The age of admission should, in general, coincide with the school leaving age, except in the case of children who are learning a trade and are not thereby prevented from attending school

5 (a) and (b) It should be left to the competent authority in each country to make the appropriate regulations

#### DENMARK.

4 (a) Yes The general age limit should be fixed at 14

(b) If the school leaving age is higher than 14, the Danish Government considers that the minimum age of admission for the child should be raised, so as to coincide with the school leaving age

5 (a) The Danish Government considers that any employment in the occupations covered by the Draft Convention should be prohibited for all children under the minimum age of admission stipulated during the hours fixed by national, or local laws or regulations for school attendance

(b) As regards the employment of children, whose age is below the minimum stipulated, outside the hours fixed for school attendance, it might be desirable to permit certain exceptions to the provisions of the Draft Convention, in accordance with what is stated below

#### ESTONIA

4 (a) and (b) The replies are in the affirmative  
The general admission age should be fixed at 14 years

5 The reply is in the affirmative

#### FINLAND

4 (a) The general age for admission of children to the work in question might, subject to the under-mentioned exceptions, be fixed internationally at fourteen years, which is the minimum age adopted, among others, for employment in shops and commercial offices in Finland

(b) If the school leaving age is higher than fourteen years the general age for admission should not be fixed at a higher minimum, except where school attendance occupies so



large a part of the day that there is no time left for the child to perform paid work

5 It should be absolutely prohibited to employ a child under the minimum age during hours fixed for school attendance, but outside these hours certain specified forms of light work might be authorised in the circumstances mentioned below

### FRANCE

4 The French Government considers that the Draft Convention should prescribe, subject to such exceptions as it may specify, a general minimum age for the admission of children to employment in the occupations to be included in its scope

In order to secure complete uniformity in international regulations on the age of admission of children to employment this general minimum age should be the same as that laid down in principle by the previous Conventions — i.e., fourteen years

The obligations arising out of the Draft Convention should be the same for all countries, and it therefore does not appear desirable that the general age of admission should be higher in those countries where the school-leaving age is higher. The age to be fixed by the Draft Convention will in any case only be a minimum, moreover, Article 405, paragraph 11, of the Treaty of Peace lays down that in no case shall any Member be asked or required as the result of the adoption of any Draft Convention to lessen the protection afforded by its existing legislation

5 The French Government considers that the rule laid down by the Draft Convention for the general age of admission should be absolute for the occupations covered

In particular, it considers that there should be no exception to the absolute rule which would allow the employment of children outside the hours fixed by national or local laws or regulations for school attendance, and *a fortiori* during school hours

### GERMANY

4 (a) The Draft Convention should lay down the principle of 14 years of age as the minimum age, though this principle requires an exception. This exception is necessary in Germany for children who shortly before reaching the age of 14 or at the age or 13½ have completed their school ( *Volksschule* ) atten-

dance and will be leaving school<sup>1</sup> These children must be guarded against the danger of becoming unaccustomed to work which danger could easily materialise if there were any unduly long period of time between their leaving school and their admission to employment The Workers' Protection Bill laid by the German Government before the previous Reichstag, but not yet adopted, provides, with reference to these children between 13 and 14 who are no longer required to attend school that they may be employed as apprentices on the basis of an apprenticeship contract for at most six hours a day So far as these children who have already left school are concerned, no question arises of any conflict between the time of their employment in an occupation and the time for school attendance

(b) If the school-leaving age is higher than 14 the minimum age should be increased correspondingly (cf the definition proposed in the reply to Question 1 (b))

5 (a) and (b) In principle employment in the classes of work covered before reaching the age of admission should be entirely forbidden, not only during but also outside the time fixed for school instruction

### GREAT BRITAIN

4 (a) His Majesty's Government is in favour of fixing a general minimum age of admission of children to employment.

Of the three Conventions which have already been adopted dealing with the protection of employed children two prohibit the employment of children under 14 years of age in industry and at sea respectively The third Convention prohibits the employment of children under 14 in agriculture during school hours and provides that if children are so employed outside school hours the employment shall not be such as to prejudice their attendance at school

The analogy of the first mentioned Convention as to industrial employment might suggest that the age fixed in the proposed Convention for non-industrial occupations should be 14 but to press the analogy too closely may be misleading It must be remembered that this Convention is concerned with the admission of children to regular employment in recognised industries in which they will work in

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<sup>1</sup> Under the German Constitution endeavours are made in Germany to extend compulsory school attendance (*Volksschulpflicht*) in all the German States (*Länder*) without exception until the age of 14

association with adults and in which employment at too early an age is prejudicial to education or health. The term non-industrial occupations includes a variety of employments of a light character which are not necessarily unsuitable for children even of school age. Experience in Great Britain shows conclusively that it would be unreasonable to prohibit absolutely the employment of children under 14 in such occupations, and even if provision were made for exceptions in the Convention it would be difficult to determine the exact nature of the exceptions. Further, if exceptions were admitted it might lead to the employment of very young children in these particular occupations, unless some provision were included in the Convention to prevent this.

For these reasons the British Government would prefer to prohibit employment absolutely under a certain age, say, 12 and to provide for the strict regulation of employment between that age and the school leaving age. The nature of such regulation should be left to the competent authority, but the Draft Convention might lay down general principles, e.g., that there should be no harmful effect on a child's health, education or morals, and that there should be no undue interference with a child's leisure.

(b) This is covered by the answer to Question (a)

5 (a) The reply is in the affirmative

(b) Yes — subject to the observations in answer to question 4 as to the minimum age

#### GREECE.

4 (a) The reply is in the affirmative, 14 years

(b) The reply is in the affirmative

5 The reply is in the affirmative, any employment in the occupations covered should be absolutely prohibited

#### HUNGARY

4 (a) The age of admission to employment should be fixed at 14 years, subject, however, to a provision that in countries where education until the completion of the fourteenth year is not compulsory, the school-leaving age should

be substituted for the age of 14. This modification is necessary because, in countries where the school-leaving age is reached before the child has completed his fourteenth year, e.g. on reaching the age of 13 or 12 years, it should be possible for children who had already reached the age of 13 or 12 years to be employed.

If this is not allowed all such children who have already completed their twelfth or thirteenth year, and whose parents cannot give them further education, would remain out of work until they had completed their fourteenth year, which would seriously prejudice their moral and physical development.

(b) In countries where the school-leaving age is higher than 14 years, the general age for admission to employment should coincide with the school-leaving age.

5 If the proposal relating to question 4 (a) is adopted, a general provision should be inserted prohibiting the employment of children in the said occupations before the school-leaving age. This prohibition would not affect the employment outside school hours of children who have reached the age of 14 (question 4 (b)).

#### INDIA <sup>1</sup>

4 (a) There would be no objection to a general minimum age in a Recommendation. But for a Draft Convention, particularly if its scope is at all wide, a general minimum age would be inconvenient because for some occupations it may be necessary to fix a low minimum age while for others a higher age may be desirable. If a general minimum age is prescribed in a Draft Convention, it should not exceed 10 years for India.

(b) In India compulsory education is in force only in particular localities. There is no objection to the stipulation proposed.

5 (a) Yes

(b) If a Draft Convention is adopted and the general minimum age is fixed at 10 years as suggested in part (a) of Question 4, employment outside school hours should be prohibited. Otherwise it would be better to follow the principle of Article 1 of the Draft Convention concerning the age for admission of children to employment in agriculture.

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<sup>1</sup> Provisional reply see above p. 14

# IRISH FREE STATE

- 4 (a) The reply to the first paragraph is in the affirmative  
 (b) School leaving age, which at present in Saoistat  
 is 14

- 5 (a) The reply is in the affirmative  
 (b) The reply is in the negative

# ITALY.

4 (a) and (b) The age of admission to employment should be fixed in general at fourteen years (i.e. the completion of the fourteenth year), and should coincide with the school leaving age in countries where the latter is higher than fourteen years

5 (a) and (b) The employment of children who have not reached the "general" minimum age should be absolutely prohibited during the hours of school attendance

# JAPAN.

4-5 See general reply above, p 16

# LATVIA

4 (a) The general minimum age of admission should be fourteen years

(b) In countries where the school leaving age is higher than fourteen years the age of admission to the occupations in question should coincide with the school leaving age

5 In this matter it would be desirable to follow the principles laid down by the 1921 Convention on the age for admission of children to employment in agriculture or the principles laid down by the 1919 Convention on the age for admission of children to industrial employment

# LUXEMBURG

4 As the school-leaving age varies from one country to another according to economic, social and climatic conditions,

the age of admission of children to non-industrial occupations cannot be fixed in a rigid and uniform manner

The Convention might lay down the age of 14 as the *minimum age* for admission to non-industrial occupations, and might add that in countries where the school-leaving age is higher than 14 years the age of admission to non-industrial occupations should coincide with the school-leaving age

5 It would appear desirable to prohibit all employment in the occupations covered during the hours of school attendance fixed by national or local laws or regulations

With regard to employment in the occupations covered outside the hours of school attendance, it would appear that this should be authorised if it did not prejudice then attendance at school

#### NETHERLANDS

4 (a) The Draft Convention should prescribe a general minimum age, which should be fixed at 14 years

(b) Admission to employment in non-industrial occupations should be prohibited for children so long as compulsory school attendance has not been completed

5 The reply to this Question is in the affirmative both for (a) and for (b)

#### NORWAY

4 (a) Yes 14 years

(b) Yes

5 The prohibition of employment in the occupations covered by the Draft Convention should, in principle, apply as well during the hours fixed for school attendance as outside these hours Cf reply to question 6

#### POLAND

4 (a) The Draft Convention should, subject to certain exceptions strictly defined, prescribe a general admission age for the occupations to be included within its scope, and this age should be fixed at fourteen years

(b) The Draft Convention should stipulate that the general admission age is to coincide with the school-leaving age in countries where the latter is higher than fourteen years

5 To lay down an age limitation in the Draft Convention signifies that any employment of children below the prescribed age of admission in the occupations covered is prohibited both during the hours of school attendance and outside school hours

### PORTUGAL.

4 (a) and (b) The age of admission should correspond to the system of compulsory education and the conditions in each country

5 (a) The reply is in the affirmative

(b) See the reply to question 6

### SOUTH AFRICA.

4 (a) The general minimum age should be fixed at 14 years with the exceptions referred to in replies to Questions 14, 15 and 16 of this Questionnaire

(b) 14 years of age, with the exception of children who do not conform by then to the compulsory leaving standards as set out in the annexure hereto

Provision should be made for exemptions from the minimum age of 14 in special circumstances

5 (a) and (b) The replies are in the affirmative

### SPAIN.

4 (a) The Draft Convention should lay down, subject to exceptions, a general age for the admission of children to employment in the occupations in question

In view of the international character of the Convention the age of 14 years might be laid down, but, in order to facilitate ratification it might be added that in those countries in which the school-leaving age is less than 14 years the general age of admission should be lowered to 12 years, during a transitory period, e.g., five years. This would enable the gap to be filled between the school-leaving age and the age of admission to employment

(b) The Draft Convention should not lay down that the general minimum age should coincide with the school-leaving age in countries where the school-leaving age is higher than 14 years, naturally with a reservation as to the means to

be adopted to prevent employment from impeding the completion of the child's education

5 (a) The Draft Convention should entirely prohibit employment under the minimum age during the hours fixed by national or local laws or regulations for school attendance

(b) Outside the hours fixed for school attendance exceptions may be allowed for specified forms of work

#### SWEDEN.

4 (a) In consequence of the revision of the Workers Protection Act, the age for admission of children to employment in non-industrial occupations has recently been raised in Sweden from 12 to 13 years. It would scarcely be possible, therefore to fix the age at 14 in the course of the next few years. In view of the desirability of having uniform regulations on this point, the fixing of the age of admission of children to employment at 14 appears quite justified

(b) It would not be desirable to lay down that the general minimum age should coincide with the school-leaving age, since the obligation to attend school does not necessarily terminate at a fixed age. It may continue until the child has reached a certain standard, e.g. taken certain courses, etc. In other words, the school-leaving age may vary with the individual. It would therefore appear preferable to fix a general age for admission which would be independent of the necessity of attending school, and to add a provision, in the same way as for children under that age, prohibiting the employment of young persons so long as they are obliged to attend school permanently

5 It seems obvious that children who have to go to school should not be employed in an occupation during school hours. It might not be desirable on the other hand to prohibit absolutely such work outside school hours (see reply to Question 6)

#### SWITZERLAND.

4 (a) The reply is in the affirmative. The age of fourteen years is proposed

(b) The reply is in the affirmative, provided that such light work outside school hours as is mentioned in Question 6 *et seq* is authorised. Otherwise the reply must be in the negative



5 (a) The reply is in the affirmative

(b) The reply is in the affirmative, on condition that such light work outside school hours as is mentioned in Questions 6 *et seq* is authorised otherwise the reply must be in the negative

#### URUGUAY

4 and 5 It would be desirable to fix a minimum age of admission, which should not be lower than 14 years, since that is the age laid down by previous Conventions, and is the age at which compulsory school attendance generally ceases.

In order that the prohibition may be effective it should apply to the employment of children under 14 years of age, both during the period of school attendance and during school hours

#### YUGOSLAVIA

4 It is considered that the general minimum age for admission should be 14 years

The Draft Convention might also stipulate that the general minimum age is to coincide with the school-leaving age in countries where the latter is higher than 14 years

5 An exemption should only be made in the case of countries which have not yet adopted compulsory education up to the age of 14 years These countries should be allowed to employ children of 12 years of age, but only in light work, subject to the parents' consent, and after a medical certificate has been obtained

(a) All employment should be prohibited during the hours of school attendance

(b) The employment of children under 12 years of age may be authorised for light work only during annual school holidays, subject to the parents' consent, the production of a medical certificate of the child's physical ability, and the permission of the school authorities

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## Questions 6-10.

### *Light employment outside school hours.*

6 Do you consider that provision might be made in the Draft Convention for allowing children under the general minimum age to be engaged in light employment outside the hours fixed for school attendance, provided such employment is not dangerous or unsuitable for them and not such as to prejudice their attendance at school ?

Should it be left to the competent authority in each country to define light employment of the kind here in question, or should the draft itself contain a list of the specific forms of such employment which might be allowed ?

In either case, what specific forms of light employment do you consider might be allowed ?

7 Should the Draft Convention leave it to the competent authority in each country to fix the conditions to be fulfilled before children may be engaged in light employment outside school hours ?

In any case, what conditions do you propose might be taken into consideration (e g consent of parents, medical authorisation, etc) ?

8. Should the Draft Convention lay down limitations on the occupation of children in light employment outside school hours, e g by fixing a limited number of hours of work

(a) On days when instruction is given both morning and afternoon ;

(b) On half holidays ,

(c) On whole holidays (including school vacations) ?

What number of hours of work, or what other limitations, do you propose in each case - ?

9. Should the Draft Convention prohibit or limit even light employment on Sundays and public holidays ?

If you are not in favour of prohibition, what limitations do you propose ?

10 Should the Draft Convention prohibit even light employment at night ?

Should «night» be defined as the period between 8 p.m. and 8 a.m., or what other period ?

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### AUSTRIA

6 It would appear indispensable to adopt a provision in the Draft Convention allowing children to be employed in light work outside the hours fixed for school attendance before they reach the general admission age. Such exceptional employment, however, should be conditional on a specified age having been reached. The age of ten years should be fixed for the admission of children to light work in private domestic service, and the age of twelve years for the other forms of occupations and employment.

A closer definition of what is to be regarded as light work would scarcely be possible in the form of a list of specified occupations, either in the Draft Convention or in the national legislation of the individual States. In view of the multiplicity of kinds of occupations which come into the question, it would be greatly preferable to define the expression "light work" in general terms. The adoption of a definition on the following lines in the Draft Convention is accordingly proposed.

"Light work shall mean such employment of children as is not injurious to their health, does not impede their physical and mental development, and is not an obstacle to the completion of their school attendance."

As work of this kind, the following might be taken into consideration as examples: running errands, helping in the household, cleaning and tidying work, certain forms of home work which are not injurious to health.

7 The reply is in the affirmative. The employment of children other than one's own in light work should in any case be dependent upon the consent of their legal representative. Further, a general limitation should be provided for to the effect that children may be employed in light work only in so far as such work does not involve any danger to their morals.

To require a medical certificate as a condition for admission to light work would only be advisable in cases where the child is probably to be employed for a considerable length of time

8 The reply is in the affirmative On school days, whether on such days instruction is given both morning and afternoon or only on half the day, hours of work should be fixed at a maximum of 3 hours, and on days on which no instruction is given (including school vacations) at a maximum of 4 hours

In order to prevent children who are allowed to be employed on school days from attending school physically tired, so that their capacity for learning would be diminished and the results of their education prejudiced, it appears necessary to have a provision to the effect that children are not to be employed before school attendance in the morning and for the two hours immediately preceding their school attendance in the afternoon Further, it should be provided that children are to be given one hour off after completing their school attendance for the day

9 -On Sundays public holidays, as well as holidays prescribed by the child's religion, all work should be forbidden, except light work in private domestic service

10 The reply is in the affirmative "Night" should be considered as the period between 8 p.m. and 7 a.m.

#### BELGIUM.

6 As far as Belgium is concerned, the Government is in favour of prohibiting any employment, even light employment, under the general age and outside the hours of school attendance However, having regard to the special necessities which may be felt for certain areas, to climate and other factors it is prepared to agree that this question should be left to the appreciation of the competent authorities in each country It should be understood, moreover that countries which make use of this power should take the views of the employers' and workers' organisations, and communicate to the International Labour Office a list of the forms of light work authorised.

7 The reply is in the affirmative It is clear that the consent of parents is indispensable, but a medical certificate is considered superfluous, in view particularly of the facility with which such certificates are obtained in most cases.

8 The reply is in the affirmative

(a) One hour

(b) Two hours.

(c) Two hours

9 The reply is in the affirmative Any employment should be prohibited on Sundays and public holidays

10 Any employment, even light work, should be prohibited at night, night including the period between 8 p m and 8 a m.

### BRAZIL.

6 The Draft Convention should include a provision in the sense of the first paragraph of the Question, and should also fix a limit of two years under the general minimum age of 14 years (i e 12 years)

As children's development and the possibilities of employing them vary considerably according to climate and race, it is preferable to leave it to the competent authorities of each country to decide what forms of light work may be authorised, regard being had to the restrictions included in the provision laying down the main principle A list of the forms of light work would be indefinite and contain omissions

7 The reply is in the affirmative

Consent of parents or guardians, production of a birth certificate and of a medical certificate should be required

8 The organisation of elementary education differs considerably in different countries, these differences being determined by climate, custom and material possibilities In Brazil, for instance, instruction is usually given for four and a half hours per day, except on Thursday which is a whole holiday In the great majority of the towns a single school is used for two sets of pupils, the first attending from 7 30 a m. to noon and the second from 12 30 to 5 p m In sparsely populated districts classes are held only once a day, from 9 30 a m to 2 p m The principal vacation (two and a half months) is in summer, i e in the hottest season

In view of the variety of conditions it is proposed that the Draft Convention should limit the number of hours of work in the following way

(i) On days when instruction is given (4 to 6 hours with or without an interval) a maximum of 3 hours

(ii) On whole holidays and during school vacations a maximum of 6 hours

Without exceeding these limits the authorities in each country should endeavour to arrange school attendance so as to meet the requirements of the child's occupation and of his health, with a view to preventing either mental or physical overwork

9 All work, even light work, should be prohibited on Sundays and official public holidays. At the same time, an exception might be made in the case of delivery of milk and other provisions, up to 10 a.m. and subject to a maximum of two hours' work.

10 The Draft Convention should prohibit even light employment at night, except in the case of public entertainments, which are referred to later.

It is proposed that "night" should be defined as the period between 6 p.m. and 6 a.m. It is thought that this definition should be acceptable to all countries and in all latitudes. It is an average formula which allows for differences of climate and season. It also fits in with the conception which is more or less generally accepted of a normal working day of eight hours.

## BULGARIA

6 See reply under Question -5

7 The Recommendation should leave it to the Governments of the different countries to settle the conditions to be fulfilled before children can be employed in light work outside school hours, having regard to local conditions, the intellectual level of the population, and the aptitude of the public services for exercising their functions. Having regard to all these factors, it will be necessary to make the admission of children to light employment subject only to the consent of their parents and their teachers, or also permission from the local medical authority.

8 The Recommendation should lay down limitations on the employment of children in light work outside the hours fixed for school attendance as follows —

(a) on days when instruction is given both morning and afternoon, any other work should be excluded ,

(b) on days when instruction is given only either in the morning or in the afternoon. light work might be allowed during time off from school but the number of hours for such work should be limited

(c) on holidays children might be admitted to light employment, but only for four hours and that during the day-time

9 On Sundays and public holidays the employment of children should be prohibited

10 It should also be prohibited for children to be employed during the night The expression " night " should include the period from 8 p m to 8 a m

# CANADA

## *Alberta*

See above, page 10

## *British Columbia*

6 The replies are in the negative

7 No, where children are under the minimum age but, yes, where children are over the minimum age

The conditions to be taken into consideration should be — parents' consent in writing, medical certificate of suitable physical condition, license from competent authority

8 (a) Prohibition

(b) Prohibition

(c) Prohibition with power to competent authority to grant exceptions to children over 14 years

The number of hours of work proposed is 6 hours

9 The Draft Convention should prohibit even light employment on Sundays and public holidays

10 The reply is in the affirmative 6 p m to 8 a m

*Manitoba*

6 The reply is in the affirmative

It should be left to the competent authority in each country to define

The previous answer would apply, as regards the last paragraph of the Question

7 The reply is in the affirmative

Consent of parents, medical authorisation, also consent of school teacher

8 The replies to (a), (b), and (c) are in the affirmative.

As regards the last paragraph of the Question, the competent authorities in each country should decide

9 The Draft Convention should prohibit even light employment on Sundays and public holidays

10 The reply is in the affirmative "Night" should be defined as the period between 8 p m and 8 a m

*Ontario*

6 (a) We are of the opinion that provision might be made in the Draft Convention for allowing children under the minimum age to be engaged in light employment outside the hours fixed for school attendance, provided it is not detrimental to their health or their school attendance. The competent authority in each country should define light employment

7 (a) The Draft Convention should leave it to the competent authority in each country to state the provisions under which children might be permitted to engage in light employment outside school hours. The consent of parents might be taken into consideration.

8-9 Regarding the fixing of a limit to the number of hours of work in light employment outside school hours and the question of light employment on Sundays and public holidays, we are of the opinion that this matter should be arranged by the competent authority in each country to ensure that the employment is not prejudicial to the health or school attendance of the child



10 Yes It would seem advisable that the Drait Convention should prohibit even light employment for children under the minimum age at night — between 10 p m and 6 a m

### *Saskatchewan.*

6-10 The opinion is held that provision might be made for allowing children under the general minimum age to be engaged in light employment outside the hours fixed for school attendance and that it should be left to the competent authority in each country to define light employment and to fix the conditions to be fulfilled before children may be engaged in light employment

The Child Welfare Act of Saskatchewan seems to cover this subject and provide penalties for the abuse of the privilege of light employment for children outside school hours

Light employment at night should be prohibited

### CHILE.

6 The reply is in the affirmative It might be left to the competent authority in each country to define the light employment here in question

7 The reply is in the affirmative The conditions might be consent of the child's father, mother or guardian, a certificate of health made out free of charge by the school doctor, medical officer of health, or local municipal officer, and a certificate of school registration and school attendance, with an indication of the time table of the latter

8 (a), (b) and (c) The limitations should be entire prohibition of the employment of children of under 12 years, and a maximum working day of 6 hours

9 It would be advisable to leave the question of the prohibition of work on Sundays and public holidays to national laws and regulations, as there is certain light work of the kind that children of under 14 years might be allowed to do, which is most available just on these days Moreover, it would not be possible to prescribe exceptions for international use, since these might not be the same in the different countries.

10 The reply is in the affirmative The term "night" should have the meaning given in this Question

## CUBA

6 The reply is in the affirmative, it should be left to the competent authority in each country to define employment of the kind here in question

7 The reply is in the affirmative. In order to be entitled to undertake light employment, a child should have the consent of its father or guardian, and a medical certificate to be issued free of charge by the public authorities

8 (a), (b) and (c) The reply is in the affirmative, the number of hours worked should be limited on the days mentioned. In no case should more than three consecutive hours' work, or more than 6 hours' work per day, be permitted

9 Light employment should be entirely prohibited on Sundays and public or national holidays

10 Light employment should be prohibited at night. For the purpose of this prohibition, "night" should be defined as the period between 9 p.m. and 7 a.m.

## DENMARK

6 As regards the admission of children under the general minimum to light employment outside school hours, Danish legislation only permits one exception to the general rule, namely, employment as errand boy. As the Danish law has worked satisfactorily in this respect and as, on the other hand, there would be a risk, if the Draft Convention were to leave the competent authority in each State free to define the light employment of the kind here in question, of its provisions being applied unequally in different countries, the Danish Government cannot recommend that the Draft Convention should permit the employment of children under the general age of admission to any other light employment than that of errand boy. It may even be held that it would be expedient to limit this exception to employment as errand boys in establishments which do not regularly undertake to supply messengers, or to deliver parcels, newspapers, etc.)

7 The Danish Government considers that the Draft Convention should leave it to the competent authorities to fix the conditions to be fulfilled before children may be engaged in light employment outside school hours in such

a way as to lay down the general rule that the Draft Convention shall stipulate that only children over twelve shall be admitted to such employment, and that the admission of the child thereto shall only take place after previous consultation with the school authorities, and, in cases where the work extends over a certain period, after obtaining a medical certificate dated not more than one year previously, the certificate should indicate that the work in question is not injurious to the child's health, and finally, the Draft Convention should stipulate that the authorisation of the child's parents or guardians is required

8 In the opinion of the Danish Government, it should be left to the competent authorities responsible for determining the conditions under which children may be employed as errand boys outside school hours (in accordance with the reply to question 7) to define the nature of such employment, with particular reference to the total working hours, including school work and light work, and so as to ensure that the work in question shall not interfere with the child's education

9 The Danish Government considers, in principle, that the Draft Convention should prohibit the employment of children as errand boys on Sundays and holidays, but that the competent authorities should be permitted to grant exemptions in the case of establishments where it is specially necessary to deliver goods to a place of residence, even on Sundays and holidays, particularly in the case of foodstuffs (e.g. bread, milk, etc.) As already stated under 7) and 8), the competent authorities should be responsible for defining the nature of the employment as errand boys thus authorised on Sundays and holidays

10 The Danish Government considers that the Draft Convention should prohibit the employment of children, even as errand boys at night

The term "night" should in any case be defined as the period between 8 p.m. and 7 a.m. Prohibition of night work should not be subject to any exemption

## ESTONIA

6 It should be allowed for children under the general admission age to be employed in light work outside the hours fixed for school attendance, provided that such employment is not unsuitable or dangerous for them and does not prejudice their attendance at school

In view of the difficulties which would be encountered in endeavours to give a list in the Draft Convention of all the forms of light work which might be authorised it is considered more practical to leave it to the competent authority in each country to specify the classes of work in question

7 The Estonian Government is of opinion that it should be left to the competent authority in each country to settle the conditions to be fulfilled before children can be employed on light work outside school hours, e g medical certificate consent of parents etc

8 The reply is in the negative It is preferable to leave it to the competent authority in each country to settle the limitations on the employment of children in light work outside school hours, since the conditions of school attendance and the distribution of school hours holidays and vacations in the different countries are so diverse that the possibility of fixing such limitations on an international scale would appear to be excluded

9-10 In case the Draft Convention contains a provision allowing children under the general admission age to be employed in light work outside school hours, it would be desirable to prohibit such work on Sundays and public holidays as well as during the night The definition of "night" suggested in the Questionnaire, i e the period between 8 p m and 8 a m can be accepted

## FINLAND

6 Outside school hours children might be allowed to engage in light employment on condition that such employment was neither unsuitable nor dangerous for them, and did not prejudice their attendance at school The competent authority in each country should define light employment of the kind here in question As examples of such employment might be mentioned the delivery of newspapers, shoe-cleaning, various temporary forms of employment as messenger boy and, in general, light work in the open air

7 It should be for the competent authority in each country to lay down the conditions to be fulfilled before children may be employed in the light work in question These conditions should include the consent of the parents and a medical certificate to the effect that in the case of prolonged work it would not adversely affect the health, physical development or the morals of the child

8 and 9 The number of hours of light work, both on days of school attendance, on holidays and on vacations, should be fixed by the competent authority in each country, which would also have the right to prohibit such work on Sundays and public holidays while taking account of local conditions. The competent authority should be required to mention in the annual report the measures taken in this respect.

10 This work should be prohibited during the night. A continuous period of rest of at least twelve hours at night should be laid down, and this should in any case include the time between 8 p.m. and 6 a.m.

### FRANCE

6, 7, 8, 9, and 10 As stated in the reply to the previous question, the French Government considers that no exceptions to the general age of admission to the occupations covered should be allowed even for light employment outside school hours. Experience shows that such exceptions are difficult to supervise and open the door to evasion and abuse.

### GERMANY

6 For light work a lower admission age might be fixed provided that no endangering of the health or morals of the child is to be feared from the employment and that school attendance is in no way prejudiced thereby.

It would be desirable that what is to be regarded as 'light employment' should not be gone into in detail in the Draft Convention but that the provisions on this matter should be left to the States Members.

Under the German Workers' Protection Bill, children required to attend school will only be allowed in future to be employed in Germany as errand-boys and in similar jobs. In family undertakings the children of the family may be employed on other forms of work but only provided that no danger to their health or morals is to be feared and that their attendance at school does not suffer thereby.

7 The determination of the conditions under which children may be employed on light work outside school hours should not be left by the Draft Convention simply to the competent authorities, but to the national legislation of the States Members. The most important point would be fixing a minimum age for light employment also. The German

Government proposes 12 years. Further, it might be recommended that supervision should be exercised by the factory inspectors, that the factory inspectorate should be assisted by the competent authorities for the protection of young persons, and that the school authorities should have the right to intervene if the child's capacity for benefiting by his education suffers through his employment.

8 It is necessary to limit the hours of work of children required to attend school. In the German Workers' Protection Bill a maximum of 3 hours is provided for, and a maximum of 4 hours during school holidays. These rules are already provided for as regards children, other than those of the employer in the Act at present in force on the employment of children in industrial undertakings. In future they will also apply to the employer's own children.

Intervals should also be regulated. In this matter, however, too rigid provisions should be avoided, as the question of breaks must depend on whether school instruction is continuous, or is divided between the morning and the afternoon. In any case the child must be given sufficient time for recuperation between his instruction and his employment in light work.

9 Employment even in light work, should be forbidden on Sundays and public holidays as far as possible, but in so far as it is necessary to permit it, it should be limited. The German Act on the Employment of Children in Industrial Undertakings allows employment in public entertainments of various kinds, and permits the running of errands and similar jobs for 2 hours. So far as the employment of children in public entertainments is concerned, it would be impossible to forego employment on Sunday. On the other hand, efforts are made in Germany to prevent any other kind of employment of children on Sunday, as far as possible.

10 Employment at night should be forbidden. "Night" should mean the hours from 8 p.m. to 8 a.m. Any employment before the beginning of school instruction should be prohibited.

### GREAT BRITAIN

6 This is covered by the answer to Question 4 (a). Examples of the forms of light employment which might be allowed for children over the age of 12 are the delivery of milk, newspapers, goods and parcels, agricultural work such

as feeding farm stock, fruit picking, hop picking, etc , nursing and domestic work

7. The reply is in the affirmative

The following conditions are suggested

(a) Provision of a medical certificate that the employment will not injure the child's health or render him unfit to profit by his education ,

(b) The adoption of some system of registration

(c) The issue of Employment Cards giving particulars relating to the child and the times between which employment is permitted

8 It is important that the hours of employment should be strictly regulated but in the opinion of His Majesty's Government it would be impossible to fix definite limits in the proposed Convention. Conditions are so different in different countries that the exact nature of the restrictions must be left to the competent authority

9 It would be difficult to prohibit altogether employment on Sunday, but it should be kept within narrow limits — say, not exceeding two or three hours. His Majesty's Government sees no reason for dealing specially with public holidays

10 Apart from any special provision in respect of public entertainments (see Question 14), the Convention should prohibit night work

With regard to the second paragraph of the question it must be borne in mind that some forms of light employment are carried on before school commences and on this ground the suggested definition of "night" should be modified so as to end at (say) 6 a.m.

#### GREECE.

6 First paragraph the reply is in the affirmative

Second paragraph the definition of "light employment" should be left to the government of each country

7 First paragraph the reply is in the affirmative

Second paragraph the consent of the child's parents or guardian, a certificate attesting that the child has completed its tenth year, a certificate from a medical practitioner designated

by the competent authority and attesting that the work in question does not impose any undue strain on the child a permit from the competent authority

8 Yes Except in the cases covered by (a) in this paragraph, prohibition should be absolute The number of working hours should be fixed on half holidays at one hour, on whole holidays at three hours during school vacations at five hours

9 The reply is in the affirmative.

10 The reply to both paragraphs is in the affirmative

### HUNGARY.

6 Employment in light work outside school hours ought not to be allowed, except in the case of children who have already reached the age of 14 (question 4 (b)) subject, nevertheless, to a restriction providing that the work of children should not prejudice their health and should not involve danger

It should be left to the competent authority of each country to define the forms of light employment permitted

Light employment might be defined as work which children can perform without any physical or intellectual effort

7 It would be desirable for the Draft Convention to leave it to the competent authority of each country to fix the conditions to be complied with before children who have already reached the age of 14 (question 4 (b)) may be employed in light work outside school hours

Among the conditions to be observed might be laid down the medical examination of the children, the consent of their parents and the official verification of some important reason (e.g. the grave situation of the parents or the future of the child) which requires the child to work

8. Taking account of hours at school the Draft Convention should fix, exclusively for children who have reached the age of 14 years (question 4 (b)), the number of hours of work during which children may be occupied in light employment outside school hours.

The hours of work should be fixed so as not to exceed seven in the day, including hours of school attendance



During school vacations, hours of work ought to be fixed at five in the day

9 All work on Sundays and public holidays should be prohibited

10 The reply is in the affirmative The term "night" should comprise the period between 8 p m and 8 a m

### INDIA. <sup>1</sup>

6 Please see reply to part (b) of Question 5 If provision is included for employment outside school hours it should be left to the competent authority to define the specific forms of night employment which might be allowed

7 Yes

It is not possible to state precisely the conditions which the competent authority should take into consideration Conditions vary, and the competent authority may be trusted to take the necessary steps for the protection of children It may be pointed out that in many cases the child will have to be protected against its own parents, and the consent of parents would therefore not be a condition of any protective value

8 and 9 The Government of India do not consider that any such limitations need be prescribed under existing conditions in India

10 Yes The definition of night as the period between 8 p m and 8 a m is accepted

### IRISH FREE STATE

6 Yes, it being left to the competent authority to define night employment

7 Yes, the conditions including consent of parents

8 The reply is in the affirmative

(a) Nil

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<sup>1</sup> Provisional reply see above, p 14

(b) Two hours maximum

(c) Four hours maximum

9 The reply is in the affirmative

10 The reply to the first question is in the affirmative

### ITALY.

6 The employment of children under the general age of admission, but at least twelve years old, in light work outside the hours fixed for school attendance might be permitted on condition that such employment does not prejudice their attendance at school and that it is authorised by a medical certificate affirming the children's physical aptitude for the work in question

The definition of "light work" should be left to the competent authority in each country

7 The Draft Convention should, however, provide that medical supervision of the children's physical capacity for the work in question should be compulsory

8, 9 and 10 From the general standpoint of the protection of the labour of children, it is certainly desirable to limit the hours of work of children in light work and to prohibit night work

It scarcely seems possible, however, to adopt provisions to this effect in the Draft Convention, firstly in order not to enter into questions which, while connected with that under consideration, are not on the Agenda of the Conference, and also in order to conform to the criteria adopted when framing the Conventions on the admission of children to employment in industry, agriculture, and on board ship which make no provision in the matter, and also because questions relating to hours of work and the prohibition of the night work of children have hitherto been the subject of special Conventions

### JAPAN

6-10 See general reply above, p 16

## LATVIA.

6 and 7 The Draft Convention should contain a provision allowing children under the general age of admission to perform light work outside school hours provided such employment is not unsuitable or dangerous for the children and not such as to prejudice their attendance at school. It would be desirable to leave it to the competent authority in each country to define light employment, and to lay down the conditions in which light work may be permitted.

8 and 9. The replies are in the negative.

10 In the interest of the physical and intellectual development of the children it would be desirable to provide for the total prohibition of night work of children in non-industrial occupations. Night work should be taken to mean all work performed between 8 p.m. and 8 a.m.

## LUXEMBURG.

6. In principle, the employment of children who have not yet reached the minimum age for admission to non-industrial occupations in light work outside school hours might be authorised, on condition that such employment was neither unsuitable nor dangerous for the children, and that it was not such as to prejudice their attendance at school.

The conception of the light employment to be authorised varies so extremely from one country to another that different ideas on the subject could not be coalesced in a definite list to be contained in the international regulations. It would therefore appear indispensable to leave it to the competent authority in each country to specify the light work which should be authorised.

7 If it is left to the competent authority in each country to define without appeal the light work which might be authorised, it would be for the same authority to fix the conditions to be fulfilled before children may be employed in such work outside school hours.

As these conditions may vary according to the type of light work authorised, it would appear *a priori* difficult to lay down the conditions to be fulfilled in each individual case.

There is no objection, generally speaking, to requiring the consent of parents, a medical certificate, and a school certificate.

8 While in principle the employment of children in certain forms of light work outside school hours may be authorised it does not appear undesirable to limit the length of such work in order to avoid abuses prejudicial to the child's health or school attendance

Generally speaking, it might be provided that the hours of work of the child, including school hours should not exceed 8 on each working day

9 It would appear desirable to prohibit, in principle, the work of children in non-industrial occupations on Sundays and public holidays, except in the case of an occupation where work on these days is inevitable

10 The prohibition of light work or other work during the night is highly to be recommended

By analogy with the international Convention adopted at Washington on the subject of the night work of children in industry, it might be laid down that the term "night" should signify a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning

#### NETHERLANDS.

6 It is desirable to allow children under the admission age fixed by the Draft Convention to be employed in light work outside the hours fixed for school attendance, provided that such work is not in any respect dangerous for them and does not prejudice their attendance at school

Such work should only be allowed in the undertaking of the child's parents or guardians

In general it can be left to each country to specify more closely, if desired, what forms of work are to be considered as light work within the meaning of the Draft Convention. However, it would be desirable that the Draft Convention should stipulate that only work of more or less the same nature as domestic work is permitted

7 It should be left to each country to fix, if desired, the conditions to be fulfilled before children are admitted to the forms of work referred to in Question 6. The Draft Convention should not prescribe any conditions

8 With a view to avoiding abuse it is desirable to limit the number of hours during which children may be employed in the light work here in question. As regards the cases

referred to in (a), (b) and (c), 2 hours, 4 hours and 6 hours respectively might be fixed

9 Employment in this work should be prohibited on Sundays and public holidays (i.e. days assimilated to Sundays)

10 Similarly, night work should be prohibited Night might mean the period between 7 p.m. and 8 a.m.

## NORWAY

6 Yes It should be left to the competent authority in each country to define employment of the kind here in question, provided such employment is not dangerous in character or likely to be injurious to the health or morals. The special forms of such employment which might be allowed should be reported to the International Labour Office

7-8 In view of the fact that employment of children under the general minimum age is to be limited to a particular employment, and in view of the different conditions in each country, it should be left to the competent authority in each country to fix the conditions to be fulfilled before children may be engaged in light employment outside school hours. In any case the consent of parents should be required and the opinion of the school authorities. If the employment is to be of some duration medical authorisation should also be required

9 The Draft Convention should, in principle, prohibit even light employment on Sundays. As however a strict enforcement of this provision would cause difficulties, exceptions should be authorised in special cases. The conditions upon which permits for such employment are to be given should be laid down in the national legislation

10 Yes "Night" should be defined as the period between 8 p.m. and 6 a.m.

## POLAND

6 The Polish Government is categorically against any employment of children under the general admission age in light work. If such a provision were included, even if it only provided for the possibility of such employment outside school hours, the effect of the Convention would be likely to

be seriously compromised. It is not only social reasons, decisive as they are, which can be advanced against any such derogation from the general principle of the Convention. Giving a list in the Convention of specific forms of light work, and, still more, allowing such forms of work to be specified by the competent authorities in each country would create danger for uniform application of the Convention and so would compromise one of the principal objects of international legislation.

7-10 See the reply above to Question 6

### PORTUGAL

6 The reply is in the affirmative, but it should be left to the competent authority in each country to specify the light work in question.

7 The reply is in the affirmative. It is considered indispensable that there should be a medical certificate issued by the public health authority of the district.

8 This should be left to the national legislation of each country.

9 This should be left to the national legislation of the various countries, but the provisions in force governing the weekly rest in each country should be respected.

10 Night work should, as a rule, be prohibited.

### SOUTH AFRICA

6 Not in case of children under 14. In agriculture and domestic work children under 14 could conceivably be employed, but these are outside scope of this reply — vide reply to Question 2.

7 If under 14 — falls away. Over 14, if applicable, yes. The conditions mentioned plus hygienic conditions of employment, suitable accommodation if living in, proper food, and safeguards re payment of wages.

8 Under 14 — no employment.

Over 14

(a) 2 hours

(b) 4 hours

(c) 8 hours, with maximum of 45 per week, and not to work for longer than 4 hours without a break for meals or refreshment

*Note* Union Factories Act 28 of 1918, which is applicable to *industries*, provides that occupier of factory shall not employ any person under 16 —

(a) for more than 45 hours, excluding meal times, in any one week, or

(b) for more than 8 hours, excluding meal times, in any one day, or

(c) continuously for more than 5 hours on Saturdays or half holidays, or for more than four and a half hours on any other weekday, without an interval of at least one hour, or

(d) at any time after one o'clock in the afternoon on Saturday or such other weekday as may be fixed by the Minister as a weekly half holiday for factories in any particular area

9 Under 14, yes, prohibit

Over 14, prohibit Sundays and public holidays, otherwise as per reply to Question 8

10 Under 14 — yes Over 14 — no 6 p.m. to 6 a.m.

## SPAIN

6 The first paragraph of this question may be answered in the affirmative. It should be left to the national authorities to fix the forms of light employment which may be authorised, always on condition that such work does not prejudice the education of the child, nor involve physical effort prejudicial to his health.

Among the forms of employment which should not be authorised the Convention should mention the night work of children.

7 The Draft Convention should leave it to the competent national authority to fix the conditions to be fulfilled before children may be engaged in light work outside school hours.

For this purpose the consent of the parents or those responsible for the care of the child should be required and, in the case of certain forms of work, medical authorisation

8 The Convention should fix a separate maximum number of hours of work for days on which instruction at school is given morning and afternoon, on half-holidays and during school vacations

The maximum number of hours of work should be fixed in relation to the hours of school attendance. The total number of hours of work and school attendance should not exceed eight, and the total number of hours of work apart from school attendance should not exceed

9 The Draft Convention should prohibit all work of children on Sundays, and should limit it by local regulation on public holidays

10 As mentioned above, the Convention should entirely prohibit night work, taking account of local conditions and the different seasons

The term "night" should mean a continuous period of at least 10 hours which should include the period between 9 p.m. and 6 a.m.

#### SWEDEN.

6 In spite of the advantages of effectively prohibiting the employment of children under the general age for admission, there are obviously cases where such employment would not only not be dangerous for the children but might even be advantageous to them. It might be desirable, for instance, to authorise employment in order to prevent children from being idle. Provision must be made, for instance, for the case of children who leave school before reaching the age of admission or who have long holidays between two periods of school attendance. The Convention should, however, prohibit all employment of children under the minimum age in work which by its nature might injure their health, affect their physical development or morals, or prejudice their attendance at school.

It would appear desirable to leave it to national law to specify the light work in question, while it might be laid down that the different countries should communicate the provisions adopted in the matter to the International Labour Office.



As an example of the kind of work which the exemption in question might cover, it may be mentioned that the Workers' Protection Act in Sweden empowers the superior authority responsible for factory inspection to authorise exceptions to the rules for the age of admission of children to employment. This is so in the case of light open-air work carried on over a limited period in the year and not connected with work done by machinery.

7 The conditions to be complied with before children may be employed in the cases under consideration should be fixed by the same authority which authorises their employment when issuing a permit. It is only through a provision of this kind that these conditions can be adapted to practical circumstances and to the varying degree of protection which the children may stand in need of. In any case, permission to employ children during the school year should only be given after an agreement with the competent school authority.

One condition which it might be desirable to lay down as a necessary preliminary to the employment of children on permanent work is the production of a medical certificate. As regards the consent of the parents, considered as a preliminary condition, it should be noted that the general principles of civil law recognise the necessity of such consent for all employment of children.

8 It would appear desirable to leave it to the competent authority to prescribe limitations to the occupation of children in light employment outside school hours. The competent authority in issuing permits would have to decide the number of hours of work, taking particular account of the number of hours of school attendance and the school time table. In any case the Convention ought not to contain detailed regulations on this point. Should it appear desirable to include a provision on the subject, it might be laid down in principle that the total number of hours of school attendance and work should not exceed the total time during which children who have reached the general minimum age may be employed.

9 Work of the kind in question should also be prohibited in principle, on Sundays and public holidays, subject to the right of the competent authority to authorise exceptions.

10 It would appear desirable that children at work should be guaranteed at least eleven consecutive hours' rest during each night and to include a fixed part of the night in

this period It should be left to national law to fix the hours during which all work should consequently be prohibited

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With regard to the present section on light work outside school hours, it may be doubted whether these exceptions should form the subject of such detailed regulations as those which the questionnaire implies Apart from the fact that they would be to some extent outside the strict limits of the Convention, such regulations might give an exaggerated idea of the possibility of making exceptions

### SWITZERLAND

6 The reply to the first paragraph is in the affirmative

It should be left to the competent authority of each country to specify the light work in question At the most, a general definition of light work might be given in the Draft Convention, as suggested in the introduction to this Government's reply

If the decisions of the Conference are embodied in the form of a Recommendation, certain types of work might be mentioned in it, but it should be left open for States Members to specify others

The following might be authorised all forms of messenger work, including the delivery and sale of newspapers, leaflets, etc from house to house and in the street, light work at sports grounds (picking up tennis balls, setting up skittles, carrying golf clubs, marking at shooting matches, etc), plucking and selling flowers, berries and fruit, acting as sandwich-men, employment of children in churches (choir boys and acolytes)

7 The reply to the first paragraph is in the affirmative

In a Recommendation it might be recommended to the States Members to lay down the following conditions consent of parents and school authorities, and a medical certificate

8 A Draft Convention should at the most lay down in a general provision that light work should not exceed a certain amount, should not prejudice school attendance and should not be carried on at night Questions of detail should be left to the States Members

9 The reply is in the negative It should be left to the States Members to deal with this question

As an example of the kind of work which the exemption in question might cover, it may be mentioned that the Workers' Protection Act in Sweden empowers the superior authority responsible for factory inspection to authorise exceptions to the rules for the age of admission of children to employment. This is so in the case of light open-air work carried on over a limited period in the year and not connected with work done by machinery.

7 The conditions to be complied with before children may be employed in the cases under consideration should be fixed by the same authority which authorises their employment when issuing a permit. It is only through a provision of this kind that these conditions can be adapted to practical circumstances and to the varying degree of protection which the children may stand in need of. In any case, permission to employ children during the school year should only be granted after an agreement with the competent school authorities.

One condition which it might be desirable to lay down as a necessary preliminary to the employment of children on permanent work is the production of a medical certificate. As regards the consent of the parents, considered as a preliminary condition, it should be noted that the general principles of civil law recognise the necessity of such consent for all employment of children.

8 It would appear desirable to leave it to the competent authority to prescribe limitations to the occupation of children in light employment outside school hours. The competent authority in issuing permits would have to decide the number of hours of work, taking particular account of the number of hours of school attendance and the school time table. In any case the Convention ought not to contain detailed regulations on this point. Should it appear desirable to include a provision on the subject, it might be laid down in principle that the total number of hours of school attendance and work should not exceed the total time during which children who have reached the general minimum age may be employed.

9 Work of the kind in question should also be prohibited in principle, on Sundays and public holidays, subject to the right of the competent authority to authorise exceptions.

10 It would appear desirable that children at work should be guaranteed at least eleven consecutive hours' rest during each night and to include a fixed part of the night in

this period. It should be left to national law to fix the hours during which all work should consequently be prohibited

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With regard to the present section on light work outside school hours, it may be doubted whether these exceptions should form the subject of such detailed regulations as those which the questionnaire implies. Apart from the fact that they would be to some extent outside the strict limits of the Convention, such regulations might give an exaggerated idea of the possibility of making exceptions

### SWITZERLAND

6 The reply to the first paragraph is in the affirmative

It should be left to the competent authority of each country to specify the light work in question. At the most, a general definition of light work might be given in the Draft Convention, as suggested in the introduction to this Government's reply

If the decisions of the Conference are embodied in the form of a Recommendation, certain types of work might be mentioned in it, but it should be left open for States Members to specify others

The following might be authorised: all forms of messenger work, including the delivery and sale of newspapers, leaflets, etc from house to house and in the street, light work at sports grounds (picking up tennis balls, setting up skittles, carrying golf clubs, marking at shooting matches, etc), plucking and selling flowers, berries and fruit, acting as sandwich-men, employment of children in churches (choir boys and acolytes)

7 The reply to the first paragraph is in the affirmative

In a Recommendation it might be recommended to the States Members to lay down the following conditions: consent of parents and school authorities, and a medical certificate

8 A Draft Convention should at the most lay down in a general provision that light work should not exceed a certain amount, should not prejudice school attendance and should not be carried on at night. Questions of detail should be left to the States Members

9 The reply is in the negative. It should be left to the States Members to deal with this question

10 The reply to the first paragraph is in the affirmative. It should be left to the States Members to fix the hours defining the period to be considered as "night".

#### URUGUAY

6-10 The National Office of Labour does not consider that the employment of children under 14 years of age on light work should be authorised as an exceptional measure, because such an exception might lead to the principle embodied in the Convention being frequently violated.

Experience in Uruguay in the application of labour legislation tends to show that exceptions are undesirable. In view of the difficulty of supervision, it is necessary that the law should lay down fixed and permanent rules in order that frequent breaches of the law may be avoided.

#### YUGOSLAVIA

6 It would be desirable for the Draft Convention to contain a list of the specific forms of light employment. Employment in such work may be authorised exclusively in the cases mentioned in the preceding paragraph.

7 The conditions might be the same as those already mentioned: consent of the parents, medical certificate, and permission of the school authorities.

8 (a) and (b) See above replies.

(c) The employment of children in light work during the long school vacations should be limited to six hours a day.

9 The Draft Convention should prohibit even light work on Sundays and public holidays.

10 The Draft Convention should prohibit all night work. The term "night" should mean a period of 12 consecutive hours.

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## Question 11.

### *Possible exceptions and special cases*

#### *(a) Technical and professional schools*

11 Do you consider that the Draft Convention should provide for special regulations or an exemption for work done by children in technical and professional schools, ?

Should this work be exempted from the Draft Convention only on condition that it is essentially of an educative character, is not utilised for commercial profit, and is approved and supervised by public authority ?

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#### AUSTRIA

11 If this question has any meaning, it must be presumed that it refers to the unpaid work of children, as there are hardly any schools which pay children to perform work intended for their instruction and technical training. This is a further proof of the statement that the expression "work of children" in the Draft Convention should be more closely defined.

On the assumption that the above presumption is correct, the work of children in educational and training establishments, as well as in technical or professional schools, should be excluded from the Convention, on condition that this work is exclusively directed towards the education and instruction of the children, and is not utilised for commercial profit. This exemption should also be subject to the condition that the schools and institutions in question are officially supervised.

#### BELGIUM

11 The reply is in the affirmative, but work done in technical and professional schools should only be left out of the regulations on condition that it is essentially of an educative character.

#### BRAZIL

11 As the main object of the Draft Convention will be to lay down general principles, to be taken as a supreme guide

for application to individual cases the Government considers that it should apply to all classes of children, with the exceptions mentioned at the beginning of this reply. Technical and professional schools, apprenticeship schools, children's industrial schools, and homes and orphanages, whether official or otherwise, secular or religious, or subsidised by the State or not, should therefore not be excluded from the scope of the Convention.

These institutions are not always industrial, technical or agricultural in character, but exist also for the training of skilled workmen, assistants in shops, offices and administrative services, and female workers in feminine occupations.

Moreover, in several countries many of these establishments, even among those belonging to the State or local authorities, though their aim is not exactly commercial profit, nevertheless work for the public, selling part of their products to outside customers with a view to increasing their financial resources and lessening the burden on the State, or the administrations or private associations which support them. Although this system is unobjectionable, even from the standpoint of practical education and technical training it may well give rise to excesses of zeal and even to abuse. In such cases the obligation to observe higher principles may have a valuable effect.

It is obvious that the methods and details of application of these general principles will be determined by the competent authorities of each country who have to draw up special regulations for the organisation and operations of such institutions. These regulations would serve as a model for similar establishments not belonging to the State.

It is perhaps only schools for backward children which might be excluded from this principle, in view of their special character.

## BULGARIA

11 Work done by children in technical and professional schools should not be dealt with by international regulations, in so far as this work forms part of the school curriculum in relation to the instruction given and is not utilised for commercial profit and is approved and supervised by public authority.

## CANADA

*Alberta*

11 See above p. 10

*British Columbia*

11 Written exemption from competent authority

The reply to the second paragraph of the Question is in the affirmative

*Manitoba*

11 The Draft Convention should provide for an exemption.

The reply to the second part of the question is in the affirmative

*Ontario*

11 As it is understood that the term "employment" implies work for which pay is received the question of work done by children in technical schools would have no application in Ontario since no pupils in technical schools receive pay for work done in school

*Saskatchewan*

11 The opinion is held that the competent authority should be granted powers to make special regulations covering the work done by children in technical and professional schools provided such work is not utilized for commercial profit and is approved and supervised by public authority

## CHILE

11 Work done in technical and professional schools should be excluded from the scope of the Draft Convention and left to national laws and regulations, which should arrange for the approval and supervision of such work by a public authority

## CUBA

11 The Draft Convention should provide for special regulations for work done in all technical and professional schools, children should be admitted to such schools in the character of apprentices, the conditions of apprenticeship being supervised by the competent authority

## DENMARK

11 Yes Any exceptions authorised should only be granted on condition that such work in technical or professional



## LUXEMBURG

11 It would be desirable to provide for an exemption in favour of work done by children in technical and professional schools, on condition that these schools are essentially of an educative character and not intended for commercial profit, and that they are approved and supervised by public authority

## NETHERLANDS

11 The Draft Convention should allow work done by children in technical and professional schools, provided that such work is done only or mainly for educational purposes

## NORWAY

11 In view of the fact that the Draft Convention is understood only to apply to professional work (cf reply to question) we consider that the Convention should not apply to work done by children in technical and professional schools on the conditions which are mentioned in the question

## POLAND

11 The Draft Convention should allow work by children in technical and professional schools, provided that such work is essentially of an educative character, is not used for commercial profit, and is approved and supervised by public authority

## PORTUGAL

11 This should be the subject of special regulations by the competent authorities in each country

## SOUTH AFRICA

11 Regarded in all cases as education and not work No students admitted to technical or vocational schools under 14 years of age

Students do work essentially for educational and not for commercial purposes

## SPAIN.

11 The work of children in technical and professional schools should be the subject of special regulations, on condition that it is of an educative character, is not utilised for commercial profit, and is regulated by public authority

## SWEDEN

11 The reply to the first paragraph is in the affirmative. With regard to the condition mentioned in the second paragraph, it would appear desirable on the analogy of the Conventions concerning the age for admission to employment in industry and at sea, to require only that the work should be approved and supervised by public authority.

## SWITZERLAND

11 In view of the conditions existing in Switzerland an exception of this kind is not indispensable. At the same time, in order to take account of the interests of other countries, the Government could *à la rigueur* conceive an exception in favour of technical and professional schools.

Supervision organised by the public authorities appears desirable.

## URUGUAY.

11 The National Office of Labour sees no reason why, as in the case of previous Conventions, the following should not be excluded from the Draft Convention:

(a) Children working in technical and professional schools,

(b) Children employed in undertakings in which only members of the family are employed.

In neither of these cases do reasons for prohibiting the employment of children exist. In the first case, the child is receiving instruction under the supervision of the competent authority. In the second, it is living in its own family under the supervision of its parents who, it may be presumed, will not impose excessive work likely to injure the child's health.

## YUGOSLAVIA

11 The work of children in technical and professional schools should be excluded from the Draft Convention, but only on condition that it is of an educative character, is not utilised for commercial profit, and is approved and supervised by public authority.

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**Question 12.***Possible exceptions and special cases (continued)**(b) Family undertakings*

12 Should the Draft Convention provide for an exemption for the employment of children in undertakings in which only members of the family are employed ?

If you consider that special regulations should be laid down for such undertakings, what regulations do you propose ?

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AUSTRIA

12 The reply is in the affirmative, particularly as the same exemption is contained in the Conventions on the work of children in industrial undertakings and at sea

From the way in which the question is put, however, it would appear doubtful whether it is intended to refer only to children who are themselves members of the family, or whether it is also intended to refer to children who, while not belonging to the family itself, are nevertheless employed in an undertaking in which, apart from themselves only members of one family are employed

## BELGIUM

12 Establishments in which only members of one and the same family are employed should be excluded from the scope of the Draft Convention

## BRAZIL

12 For the same reason as explained in reply to Question 11, it is thought that there should be no exemption or special regulations for establishments in which only members of the same family are employed. There is no doubt that certain difficulties will be encountered in ensuring the enforcement of the provisions laid down. The State should, however, be empowered to intervene in favour of the child in case of duly authenticated abuse

## BULGARIA.

12 Special regulations should be provided for establishments in which only members of one and the same family are employed, but it should be left to the Governments of the different countries to regulate the details having regard to the intellectual level of the population

## CANADA

*Alberta*

12 See above p 10

*British Columbia*

12 The reply is in the affirmative  
Supervision and approval by competent authority should be required

*Manitoba*

12 The reply is in the negative

*Ontario*

12 As stated in 2, (b), we are of the opinion that the Draft Convention should not include within its provisions the restriction of the employment of children in undertakings in which only members of the family are employed and the employment of children in private domestic service

*Saskatchewan*

12 No reply

## CHILE.

12 (Paragraph 1) The answer is in the affirmative

## CUBA

12 The employment of children in undertakings in which only members of the family are employed should be excluded from the scope of the Draft Convention, if the whole of the family concerned is living under one roof

## DENMARK.

12 The Act of 18 April 1925 referred to above admits an exception to the general rule for the admission of children to employment as regards undertakings in which only the child's parents are employed. For practical reasons of supervision reference to this rule should be made in the Draft Convention.

## ESTONIA

12 In accordance with the practice so far followed by the International Labour Organisation, establishments in which only members of the same family are employed should be excluded from the scope of the international regulations.

## FINLAND

12 The work of children in establishments managed by their parents should be excluded from the regulations, but the latter should apply to other family establishments.

## FRANCE

12 The French Government considers that undertakings in which only members of the same family are employed should be excluded from the Draft Convention.

By "members of the same family" it understands in the first place a husband and wife carrying on an undertaking as partners, and in the second place members of the family who are under the authority of the father, mother or guardian, i.e., minors and wards.

## GERMANY

12 As a general rule efforts should be made to subject the employer's own children and other children to the same protective provisions though in many cases facilities will have to be retained for the employment of the employer's own children in family undertakings (cf. the replies to Question 6, third paragraph, and to Question 17 on inland navigation and fishing).

## GREAT BRITAIN

12 His Majesty's Government sees no reason why children employed in undertakings in which only members of the family are employed should be exempted from the proposed Convention, but it would appear that hardship might be caused

if children below the minimum age were prevented from helping their parents in certain seasonal occupations of a light character. Some provision to meet this difficulty should be considered.

#### GREECE

12. The reply is in the affirmative

#### HUNGARY

12. The reply is in the negative. The protection of children and the importance of equality in competition require that all establishments employing only members of the same family should be treated in the same way as those employing outside workers.

#### INDIA<sup>1</sup>

12. Yes. Such an exemption is absolutely necessary in the case of India where small family undertakings are to be found all over the countryside. There is no reason to believe that abuses exist in connection with the employment of children in such undertakings and in any case it would not be practicable to enforce any special regulations in regard to them.

#### IRISH FREE STATE

12. No special provision appears necessary.

#### ITALY

12. In accordance with the provisions contained in the Conventions already in force on the subject of the admission of children to employment, it would be desirable to provide for an exemption for the employment of children in undertakings in which only members of one family are employed, and to leave it to national law to define what is meant by "family".

#### JAPAN

12. See general reply, above, p. 16.

#### LATVIA

12. The reply is in the negative.

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<sup>1</sup> Provisional reply. See above p. 14.

## LUXEMBURG

12 The Washington Convention fixing the minimum age for admission of children to industrial employment and the Genoa Convention fixing the minimum age for admission of children to employment at sea both allow a formal exemption for establishments and ships respectively in which only members of the same family are employed

If these Conventions formally exclude the possibility of their application to children in industrial establishments and ships in which only members of the same family are employed, the present Convention should logically admit this thesis in the case of non-industrial occupations

## NETHERLANDS

12 It is not necessary to provide for special exceptions as to the age of admission for establishment in which only members of the same family are employed

## NORWAY

12 The Draft Convention should not apply to employment in undertakings in which only members of the employer's family are employed

## POLAND

12 The Draft Convention should not provide for any exception for the employment of children in establishments in which only members of the same family are employed. Such an exception would not be justified either from the standpoint of the social object which the Convention would have in view, especially as working conditions in family undertakings do not differ from conditions in other establishments, or from the standpoint of the competition which would be produced by such an exception from the undertakings subjected to the general prohibition

## PORTUGAL

12 Work in which only members of one family or persons considered as such are employed should be exempted

## SOUTH AFRICA

12 As a general principle, children under 14 should not be employed even in families, but in practice it will be difficult, if not impossible, to stop it

## SPAIN

12 The Convention should provide for an exemption for the employment of children when it is verified that it is carried on in undertakings in which only members of one family are employed

As a special condition it might be laid down that such an exception should not be allowed in the case of work which is absolutely prohibited as prejudicial to the moral education or physical health of the child

## SWEDEN

12 It is thought that the membres of the employer's family should be exempted from the scope of the Convention

## SWITZERLAND

12 The reply is in the affirmative These establishments, so far as they are not dangerous in the sense of question 15 and following questions, should not be subject to the Convention.

## URUGUAY

12 See reply to question 11

## YUGOSLAVIA

12 The Draft Convention should provide for exemption in the case of children employed in undertakings in which only members of one family are employed The term "family", however, should mean only parents and their children

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**Question 13.**

*Possible exceptions and special cases (continued)*

(c) *Private domestic service*

**13** Should the Draft Convention contain special provisions for the employment of children in private domestic service ?

**What provisions do you propose ?**

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AUSTRIA

**13** The reply is in the affirmative. As already stated in reply to question 6, it should be permissible to employ children in light work in private domestic service after they have completed their tenth year. Hours of work for work of this kind should not exceed six on whole holidays.

BELGIUM

**13** The reply is in the negative. Under the age of 14 any employment, even domestic employment, should be prohibited in principle.

BRAZIL

**13** Private domestic service falls outside the scope of the Draft Convention. The duty of seeing that no abuse exists in this sphere falls generally upon an official institution for the protection of children. Private associations can give valuable assistance to this institution. School authorities and teachers can also lend effective help during the period of school attendance. In any case it is thought that the Draft Convention might contain a provision for the creation of an official institution for the protection of children in countries where such an institution does not already exist.

BULGARIA

**13** It is not necessary that the Recommendation should contain special provisions on the employment of children in private domestic service.

## CANADA.

*Alberta*

13 See above p 10

*British Columbia*

13 The reply is in the negative

*Manitoba*

13 The reply is in the negative

*Ontario*

13 See reply under Question 12

*Saskatchewan*

13 There have been no serious complaints respecting the employment of children in private domestic service in the province. Consequently the opinion is held that the employment of children in such service may be left entirely to the local government for regulations.

## CHILE

13 The answer is in the negative. The general regulations should apply in this case.

## CUBA

13. Private domestic service should, by reason of its special character, be excluded from the scope of the Draft Convention.

## DENMARK

13 The Danish Government considers that children who have not attained the minimum age of admission should be permitted to be employed in private domestic service of a non-professional character in other words, in domestic service in families, as opposed to domestic service in hotels, boarding houses, restaurants, etc.

## ESTONIA

13 In Estonia the employment of children in private domestic service, or in theatres, the film industry and public entertainments generally is so small that there is no experience

to go upon in this field. The Government accordingly does not wish to make any proposals as to special provisions for this class of employment, although it is far from denying the necessity of contemplating special measures in the Draft Convention or the Recommendation.

### FINLAND

13 In the case of household employment in the service of a private family and not of an establishment carried on for gain, the Convention should not apply.

### FRANCE

13 It might appear desirable that the Draft Convention should apply to private domestic service, at any rate in those cases where children are regularly and continuously engaged in such work.

Such a provision would, however, be difficult if not impossible to supervise. In the present state of national legislation concerning the work and powers of factory inspectors, the latter have not the right of entry into the private houses of employers. Domestic service would thus in practice escape the supervision of the inspectorate. It appears preferable to exclude this kind of work from the scope of application.

### GERMANY

13 The objections against including employment in domestic service in the proposed Draft Convention have been indicated in the reply to Question 2. The question might be regulated either in a special Draft Convention or in a Recommendation. The following protective provisions in particular might be laid down: prohibition of night work and employment before school hours, a maximum of 3 hours of work a day and 4 hours on holidays, special guarantees that the child in the household is protected against moral and physical danger, and that his strength is not overtaxed.

### GREAT BRITAIN

13 There would appear to be no reason for inserting in the proposed Convention special provisions dealing with private domestic service whether the employment is by the parents of the child or otherwise. This, like other forms of employment, should be regulated, but the nature of the regulation should be left to the competent authority.

## GREECE

13 The reply is in the negative

## HUNGARY

13 The reply is in the negative

INDIA<sup>1</sup>

13 Any special provision for the employment of children in private domestic service would not be practicable in India because official inspection in private houses to secure enforcement would be out of the question. The Government of India therefore consider that no such provision should be included either in a Draft Convention or a Recommendation.

## IRISH FREE STATE.

13 It does not appear necessary to make special provision on this matter.

## ITALY

13 As regards the employment of children in private domestic service, it would be desirable to provide for a special exemption for work connected with the normal development of family life.

## JAPAN

13 See general reply above p 16

## LATVIA

13 The reply is in the negative

## LUXEMBURG

13 Special regulations for the employment of children in private domestic service would imply that official supervision would have to be applied to private households.

Such supervision might not only be considered as an undesirable interference in family life, but its efficacy would also be problematic.

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<sup>1</sup> Provisional reply. See above p 14

NETHERLANDS.

13 The Draft Convention should not contain provisions prohibiting private domestic service

NORWAY

13 The Draft Convention should not apply to private domestic service which is not carried on as a trade.

POLAND

13 The Draft Convention should not contain any special provision with reference to the employment of children in private domestic service

PORTUGAL

13 See reply to question 12

SOUTH AFRICA.

13 The reply is in the negative Exclusion of domestic service from scope of Convention is recommended  
See reply to Question 2

SPAIN

13 The Draft Convention should apply to children employed in private domestic service, as the hours of work in such employment and the difficulties of inspection render it desirable that such employment should be absolutely prohibited until the minimum age for beginning work

SWEDEN

13 Attention is drawn to the suggestion made in the reply to Question 2, viz to make an exception in the case of domestic work not carried on by the employer for gain

SWITZERLAND

13 The reply is in the affirmative Such work should not be subject to the Convention

## URUGUAY

13 In the case of domestic service outside the family, the child is always likely to be exposed to abuses which it is difficult to ascertain and to prevent. The prohibition should therefore be maintained in the strongest and most definite way.

## YUGOSLAVIA

13 All private domestic service should be covered by the Draft Convention.

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# Question 14.

*Possible exceptions and special cases (continued)*

## (d) Public entertainments

14. Should the Draft Convention make special provision, and what provision, for the employment of children (including preparation and execution) in theatres, the film industry, and public entertainments generally, in the interests of art and science?

If so, what special measures should be laid down for safeguarding the health, physical development and education of such children?

## AUSTRIA.

14 The employment of children in theatres, in the film industry, and in public entertainments of all kinds, should in principle be forbidden. Only when it is in the special interest of instruction in art or science should the work of children in such undertakings be permitted. The approval of the local school authority should therefore be required, and it should further be provided that such approval should only be accorded when the harmlessness of the employment is attested by the competent school doctor or the official doctor.

The school authorities should also be empowered, when approving the employment of a child in the undertakings in question, to authorise necessary exceptions to the provisions relating to the Sunday and holiday rest and the provisions prohibiting night work.

## BELGIUM

14 The employment of children in theatres and cinematograph studios should be authorised as an exception in the interests of art. However it is important that this exception should be protected by special measures for safeguarding the physical and moral health of the child and ensuring the continuation of his education. It is considered that it would be desirable to leave the organisation of these guarantees to the appreciation of the competent authorities of each country.

## BRAZIL

14 The Draft Convention should lay down a minimum age for the admission of children to employment in theatres, the film industry and public entertainments generally (preparation and execution), as actors, walkers-on, auxiliary employees, or sellers of certain articles

The age should be 16 years for boys and 18 years for girls

Below these limits there can be no question of actual regular work but rather of mere walking-on at intervals and not to any great extent, or possibly an apprenticeship to certain artistic callings such as singers and dancers

For this category a minimum age of 12 years is proposed for both sexes Below this age the employment of children should be strictly prohibited

The employment of children from 12 to 16 and 18 years of age should be subject to stringent guarantees

In this connection the following measures are proposed

(1) Certificate of physical fitness .

(2) Examination of artistic capacity for the profession of actor which it is desired to take up ,

(3) Consent of parents or guardians ,

(4) Assurance of good treatment and good behaviour, and that third parties will not be allowed to exploit the child ,

(5) Facilities for full school attendance ,

(6) Maxima of hours of work to be laid down for children from 7 to 12 years of age and for those from 12 to 16 and 18 ,

(7) The hours at which work is to stop to be fixed respectively at 10 p m (children from 7 to 12) and 11 p m (children from 12 to 16 and 18)

As for the utilisation of children below 12, this should only be permitted in schools and institutions which exist purely for instruction and education, and for concerts, competitions or performances not for their purpose of gam Such establishments are placed under the supervision of other official departments (Instruction, Welfare, etc )

## BULGARIA

14 When in the interests of art and science the employment of children is required in theatres and the film industry, children with a gift for such work might be admitted to it with the consent of their parents Work in public entertainments of all kinds might be authorised for children with the consent of their parents, and under the supervision of the medical authority Night work should be prohibited



## CANADA

*Alberta*

14 See above p 10.

*British Columbia*

11 The reply is in the affirmative

Written consent of parents, medical examination and certificate of physical condition should be required, and also permit from and supervision by competent public authority

*Manitoba*

14 The reply is in the affirmative

Medical and educational certificates should be required

*Ontario*

11 It is our opinion that special provision should be made in the Draft Convention for the employment of children in theatres and public entertainment generally. The health and welfare of children so employed should be safe-guarded by the requirement of licenses and the work should be under the supervision of some public authority, who must be satisfied that proper conditions surround the employment of such children. A minimum age of 10 years might be set for this employment.

*Saskatchewan*

14 The opinion is held that the draft Recommendation should make special provision for the employment of children in theatres and public entertainment, that these regulations should provide for the safeguarding of the health physical development and education of children, and certainly should prohibit occupations as are dangerous in character and injurious to the health and morals

## CHILE

11 The general minimum age of admission should apply also to this class of work. It would, however, be advisable to empower the competent authority in each country to give special authorisations, in individual cases, for the employment of children below that age in public performances

## CUBA

14 The reply is in the affirmative, it should be left to the competent authority in each country to regulate such employment

## DENMARK

14 The Danish Government considers that the Draft Convention should not contain special provision for the occupations mentioned. In Denmark the point of view as regards this question and the employment of children in the ballet of the National Theatre has been to consider work of this kind, or performances in which children take part as part of their education, as not constituting professional work. In the interests of art it is therefore felt that it would be desirable for the Draft Convention to include an exception in favour of the work of children in official ballet-dancing schools subject to public supervision

## ESTONIA

14 See reply under Question 13

## FINLAND

14 The employment of children under fourteen on the public stage, in the film industry, and in the preparation and execution of films in the interests of art and science should not, according to national legislation, be authorised save in exceptional cases and with the consent of parents or guardians. In such cases measures should be taken to ensure that the work does not adversely affect the health, physical development and morals of the children, and does not prejudice their education. See the answer to question 7 above

## FRANCE

14 The French Government considers that the competent authority of each country should have the right to authorise, as an exceptional measure and for a short period, the employment of children who have not reached the general age for admission to employment, either in theatrical or cinematographic performances and other public performances or for the preparation of such performances

Such authorisation should not be allowed to be given except to children over a specified age, which might be nine

years It would also be made dependent on conditions for safeguarding the health, physical development and morals of the children so employed and enabling them to receive the education provided by existing laws and regulations for children of their age One of the conditions should be that the children's names might not be mentioned on posters and programmes or in any other communication made to the public in connection with the performances in question

### GERMANY

14 A special provision is necessary for employment in theatres, the film industry, and other public entertainments In addition to the main condition, viz that such employment should only be permitted when the higher interests of art or science so require, the following measures *inter alia* for the protection of the children should be provided for Injury to the health, morals or mental development of the child, or any over-excitement of his imagination must be prevented Approval for such employment must be secured from the competent authorities Before such approval is given, the factory inspectorate, the competent authorities for the protection of young persons, and, in the case of children required to attend school the school authorities should be consulted

Proposals to employ children under 3 years of age in cinema studios are most strictly examined in Germany and such employment is only permitted subject to very far-reaching precautionary measures

How the protection of children in public theatres or other public entertainments and in film studios is applied is best shown by the Prussian administrative regulations under sections 6 and 6a of the Act on the Employment of Children in Industrial Undertakings A copy of these regulations is enclosed with this reply<sup>1</sup> But this is not to say that so detailed provisions should be included in the proposed Draft Convention or in the complementary Recommendation

### GREAT BRITAIN

14 His Majesty's Government thinks it would not be right to prevent children taking part in entertainments, etc., when they reach the age of (say) 12, and if the minimum age of employed is fixed at 12 as suggested in reply to Question 4 no special provision in the proposed Convention would be required, as this form of employment would be subject to strict regulation as in the case of other employments

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<sup>1</sup> These regulations are not reproduced in this Report

In one respect only there might have to be some additional provision so as to enable children employed in entertainments to work after 8 p.m., i.e., within the period suggested as "night" under Question 10

### GREECE

14 *First paragraph* The reply is in the affirmative

*Second paragraph* A certificate of physical fitness, delivered free of charge by one of the doctors responsible for the welfare of young children, or by a health officer appointed by the public authorities

Employment of children in public entertainments, etc should be permitted (1) for a limited period of time once a week on whole holidays or half holidays. (2) for entertainments specified by the competent Minister

### HUNGARY

14 When the employment of children is desired for expressly artistic reasons it should be allowed, subject to the permission of the public authority

The professional training of children should only be allowed on condition that it is necessary for their preparation in their future occupation, and that the preparation may be carried on without prejudicing their physical and intellectual development in all cases a previous medical examination, the consent of the parents and a limitation of hours of work would be necessary

### INDIA<sup>1</sup>

14 The employment of children in theatres the film industry and public entertainments generally should be prohibited except under a special license which should not be granted unless the licensing authority is satisfied that such employment would not be harmful to their health and physical development. The competent authority of each country should have the power to prescribe rules and conditions for the grant of licenses

### IRISH FREE STATE

14 Such "employment" requires special provisions in regard to age, licences etc

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<sup>1</sup> Provisional reply. See above p 14

## ITALY

14 As regards the employment of children in public entertainments, it would be desirable to stipulate that children under fifteen should not be employed in cinematograph halls, in the preparation of films or in performances in any public place or exposed to the public view, with the exception of theatres in which musical and dramatic performances of an educative character are given. It would be desirable, however, to allow the competent authority in each country to authorise, as an exception, with the written consent of the parents or guardian and on condition that the health and morals of the children are safeguarded, the employment of one or more children under fifteen in the preparation of specified films not calling for work late at night, or in unhealthy or dangerous places.

## JAPAN

14 See general reply, above p 16

## LATVIA

14 The Draft Convention should make special provision for safeguarding the health of the child, and should provide that employment under a certain age should not be allowed in theatres, the film industry, and public entertainments generally. With a view to protecting the health, physical development and education of the children, the minimum age might be eighteen years. Under this age the written authorisation of parents or guardians should be required, as well as a special licence from the competent administrative authority.

## LUXEMBURG.

14 This question is of no interest to Luxemburg, which possesses no artistic institutions of the kind in which children are employed.

## NETHERLANDS

14 There is no need to lay down, in the interests of art or science, limits lower than the general limits, for the admission age to employment in theatres, etc.

## NORWAY

14 Employment of children in theatres, the film industry, and public entertainments generally, in the interests of art and

science should be allowed on condition that the employment is light and on the same conditions as required for light employment

### POLAND

14 The Polish Government considers that the only exception which might be provided for in the Draft Convention to the general prohibition of the employment of children in non-industrial work below the prescribed age limit is in connection with employment in public entertainments. In order to effectively diminish abuse of such employment of children, which is so dangerous in many respects, the Draft Convention should

(i) Exclude employment of children under 18 years of age in any kind of acrobatic performances, circuses, etc, music halls, cafés where musical programmes are given, etc

(ii) Make employment of children under 14 years of age in theatres, concert halls, cinema and broadcasting studios dependent on previous authorisation by the competent authority, in cases where such employment is unquestionably required in the interest of art or science, on the basis of an appropriate medical certificate

(iii) Such employment should only take place outside the hours fixed for school instruction and should not be likely in any way to prejudice school attendance

For enforcement measures of the reply to Question 19

### PORTUGAL

14 Such employment of children should not be allowed without the previous consent of the family, or whoever stands in its place, and after a medical examination which might be conducted by the public health authority of the country

### SOUTH AFRICA

14 Special provision should be made on the lines of Section 52 (1) of the Children's Protection Act No 25 of 1913 (Union of South Africa) with the safeguards specified in sub-section (2) of that Section. The Section in question reads

52 (1) Save as in this section provided, no person shall cause or permit any child under the age of 14 years to take part in any entertainment or series of entertainments in any

premises licensed for public entertainment or in any circus, theatre, or public place or amusement

52 (2) The magistrate of the district in which the said premises are situate may, upon application, issue for such time and during such hours and subject to such restrictions and conditions as he may think fit, to any person a license authorising a child under the age of 14 years to take part in an entertainment or in a series of entertainments in premises licensed for public entertainments, or in any circus, theatre, or other place of amusement, provided that no such license shall be issued unless the magistrate is satisfied

(a) that the child is in a condition physically fit to take part in the entertainment or series of entertainments, and

(b) that the taking part involves no risk to life or limb, and

(c) that proper provision has been made by the applicant for the licence for securing the health, education and kind treatment of all the children so taking part

## SPAIN

11 The general rule should be to prohibit the work of children in the preparation and execution of theatrical and cinematograph performances and public entertainments in general until they have their sixteenth year. As an exception, however, it should be left to national law to provide for the possibility of employing children under this age with the authorisation of their fathers or guardians and of the competent authority, but only occasionally in work which can neither injure their health nor prejudice their education

## SWEDEN

14 In the cases referred to in Questions 14 to 16, it would certainly be desirable to make special provisions in order to prevent the employment of children in work of the kind in question. It should be possible, however, to authorise exceptions in the same conditions as those referred to above in discussing light work outside school hours

In some of the cases mentioned in the Questionnaire the general minimum age should also be higher than that given above for the general employment of children

The special regulations which would be required on these points, however, would necessarily be so detailed and variable that it would scarcely be possible to include them in a Convention

Moreover in view of the fact that it would scarcely be desirable in a Convention on the employment of *children* to make stipulations relating to the employment of young persons (over the age of 14) it would seem desirable that regulations for the cases referred to in this section of the Questionnaire should take form of a Recommendation

#### SWITZERLAND

14 Such work should be authorised.

Such activities should be carried on subject in each individual case to the granting of a licence by the educational authorities and the police. These authorities should exercise the supervision required for this purpose

#### URUGUAY

14 The employment of children in public entertainments may be authorised, provided that this is for purposes of disinterested art or science and that the work is done during the day

#### YUGOSLAVIA

14 In the interests of art and science, the Draft Convention should provide for the authorisation of the employment of children on such work, but on condition that the consent of the parents and of the school authorities is obtained, as well as a medical certificate of the child's fitness for the work. The latter (including preparation and execution) should be limited to six hours a day. In the case of children under 12 daily hours of work should be four. It is desirable that a minimum age for admission should be fixed. In any case it will be necessary to arrange for the strictest parental supervision, and with this object it should be prohibited to take a child away from its home without its parents

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**Question 15.**

*Possible exceptions and special cases (continued)*

(e) *Dangerous occupations*

15. Should the Draft Convention prohibit entirely the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals? Or should the Draft Convention lay down special, and what, regulations for these occupations? What particular occupations would you include in the category here in question, and should a specific list of the occupations concerned be given in the Draft Convention?

In any case, should a special minimum age or ages, and what age or ages, be fixed for admission to employment in these occupations?

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AUSTRIA

15 The Draft Convention should provide that the employment of children in certain occupations which are dangerous or likely to be injurious to their health or morals should be entirely prohibited. Such occupations or processes might include the following

wholesale and retail trade in spirits

distilleries and wine-cellars

establishments in which raw hides, skins and other waste animal products are manipulated or dealt in,

supply of liquor and service of guests in hotels and similar establishments

processes which involve a gaseous or very dusty atmosphere, collecting and sorting of rags, rubbish and refuse from coke and coal

wood cutting

It would undoubtedly be desirable to attempt to draw up a list of the dangerous occupations in which children should not be employed at all, as well as of those processes in connection

with which children should not be allowed to work, and to include such a list in the Draft Convention. It may, however, be doubted whether, on account of the variety of conditions in the individual States, it would be possible to carry out such a survey of the occupations and processes in question as to enable a list to be drawn up which would have any claim to completeness.

In view of the answer to paragraph 1, no answer to paragraph 2 is required.

### BELGIUM

15 The reply is in the affirmative. The prohibition should be absolute for these kinds of occupations. The Draft Convention might specify a number of them, and leave the individual country to complete the enumeration in the light of special local conditions. The list should be communicated to the International Labour Office.

The age for admission to employment in these occupations should be fixed at 16 years.

### BRAZIL.

15 Generally speaking, the Draft Convention should prohibit the employment of children in the dangerous occupations in question before they are of full age. These occupations are numerous and various according as the physical or moral aspect is considered. It would be for the competent authorities in each country to specify them in their regulations, and to decide in what special cases and to what extent it would be desirable to allow exceptions, and also to lay down the conditions to be complied with and the guarantees to be furnished. Among the occupations considered as dangerous mention may be made in particular of the following:

- Handling and carrying heavy weights ,
- driving vehicles, riding about on bicycles motor cycles, tricycles ,
- acrobatic feats and work in menageries ,
- street cleaning ,
- work in dangerous places (underground, dark places, scaffoldings, ladders, roofs) and places exposed to bad weather ,
- operating electric lifts ,
- work in an unhealthy or harmful atmosphere ;

waiters and waitresses in public houses of all kinds ,  
employment in bars, dancing halls, billiard saloons ,  
preparing or delivering immoral publications ,  
work in *maisons tolérées*

## BULGARIA

15 The employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals should be prohibited. Occupations of the kind in question are, for example — *maisons de tolérance*, gaming saloons, music halls, cabarets, porters at stations, ports etc. Although it is difficult to give a list of all these occupations it would be desirable that the Recommendation should, if possible, give such a list.

A minimum age of 18 years in some cases and 21 years in others should be fixed for the different categories of these occupations.

## CANADA

### *Alberta*

15 See above p 10

### *British Columbia*

15 The Draft Convention should entirely prohibit employment of children in these occupations. A special minimum age of 21 years should be fixed.

### *Ontario*

15 We are of the opinion that the employment of children in occupation which are dangerous in character or likely to be injurious to their health or morals might be restricted by regulations to be made by public authority.

### *Manitoba*

15 The Draft Convention should entirely prohibit employment of children in these occupations.

### *Saskatchewan*

15 See reply under Question 14

## CHILE

15 The employment of children below the general minimum age should be prohibited, with the exception of certain light employment to be defined by national laws and regulations

## CUBA.

15 The Draft Convention should prohibit entirely the employment of children in occupations which are dangerous in character or injurious to their morals, it should include a specific list of the occupations which it considers likely to injure the morals of children

## DENMARK

15 Yes As it would scarcely be possible in all countries to enumerate all the occupations of the nature referred to in the question with any certainty, the Draft Convention should leave it to national law to determine the occupations belonging to this category, and to facilitate their designation, those specially referred to might be enumerated in a Recommendation

## ESTONIA

15 The Draft Convention should entirely prohibit employment of children in occupations of a dangerous character, or which are likely to be injurious to their health or to their morals

## FINLAND

15 The Draft Convention should entirely prohibit the employment of children under the age of fourteen in occupations which are particularly dangerous in character, in accordance with the provisions prohibiting the employment of children except in the above-mentioned light work Among other forms, the following might be so considered the occupations of street singer, street dancer, street musician, street juggler and other similar occupations followed for gain It would perhaps be useless to define occupations of a dangerous character, a definition having been proposed for the light work in which children may be permitted to engage If a definition is considered necessary it should be for the competent authority in each country to draw up a list of these occupations The Convention should not regulate the work of children over the age of fourteen See the answer to question 17 below

## FRANCE

15 The French Government considers that the Draft Convention should lay down special regulations for occupations which are dangerous in character or likely to be injurious to children's health or morals

Thus, for example, the general age of admission might be raised to 18

(a) for children employed in driving horses or in public transport undertakings,

(b) for children employed directly or indirectly in the handling or sale of written or printed matter, posters, pictures, paintings, emblems, images and other objects which are prohibited by legislation as contrary to morality or which are otherwise likely to have an injurious effect on their morals

(c) for children employed in serving customers in public houses, cafés, bars, casinos, gaming houses, theatres, cafe-concerts, dancing halls, inns, hotels, restaurants and buffets

(d) for children employed in attendance on patients in hospitals, convalescent homes, asylums etc

(e) for children engaged in attendance on customers in bathing establishments

The age should be raised to 16 in the case of children who have to perform dangerous acrobatic or contortionist feats and for children employed as golf caddies

The list of occupations covered by the above cases should be included in the Draft Convention

## GERMANY

15 If the definition for "child" proposed in the reply to Question 1 (b), paragraph 2, is adopted Question 15 is superfluous. Only "light employment" should be allowed for children under 14 and all other non-light work should be forbidden.

In the opinion of the German Government the question of a higher minimum age for employment in dangerous occupations or occupations injurious to health or morals should be dealt with in a Convention for extra protection for *young persons*. There is on the German side no objection to the International Labour Conference dealing in the future with the question of extra protection for young persons between 14 and 16 or even between 14 and 18. But these questions were not taken into

consideration in the preparatory work on the question of the minimum age for the admission of children to employment and have therefore not yet been sufficiently clarified to permit of their being included in the proposed Draft Convention on the employment of children

### GREAT BRITAIN

15 His Majesty's Government is of opinion that under the Draft Convention employment in occupations which are dangerous in character or likely to be injurious to the health or morals of children should be prohibited. The conditions, however in the different countries are so various that the best course would be not to give a specific list of occupations in the Convention but to leave it to the competent authority in each country to decide what occupations come under this head

With regard to the age to be fixed it will probably be found desirable to fix different ages for different occupations and it is considered that this too should be left to the competent authority in each country. The Convention might, however, fix the minimum age at 14

### GREECE

15 First paragraph the Draft Convention should entirely prohibit the employment of children in dangerous occupations character or in those likely to be injurious to their health, or morals

Second paragraph all work of a dangerous, unhealthy or arduous character liable to endanger the life, health or morals of children (danger of infection, infectious diseases, accidents or wounds, presence of dust dangerous to health, noxious exhalations, etc.), and in particular

- (1) Repairing and cleaning shoes and old clothes.
- (2) Attendance on dangerous or venomous wild animals;
- (3) Work in laundries,
- (4) Work on premises where liquids for lighting by alcohol, and crude oils are stored,
- (5) Work in homes for dogs,
- (6) Work on premises where animal flesh and other slaughter house products are stored.
- (7) The carotting of rabbit skins and hare skins
- (8) Selling written or printed matter, posters, drawings, paintings, pictures prints or other objects whose sale, exposure,

advertisement or distribution would be injurious to the morals of the children employed

A list of the occupations in question should not be included in the Draft Convention

Third paragraph Yes 16 for boys and 18 for girls, in more dangerous and arduous work 18 for boys and 20 for girls

## HUNGARY

15 The Draft Convention should entirely prohibit the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals. It should be left to the competent authority in each country to define such occupations. It would be undesirable to do so in the Draft Convention.

## INDIA <sup>1</sup>

15 The employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals should be entirely prohibited. But it should be left to the competent authority in each country to determine what occupations are dangerous in character or likely to be injurious to the health or morals of children. A specific list of such occupations should not be incorporated in a Draft Convention.

A special minimum age would appear to be desirable. If the general minimum age for India is fixed at 10, the special minimum age should be 14, which may be raised at the discretion of the competent authority.

## IRISH FREE STATE.

15 Yes, employment in occupations which are dangerous or injurious to health or morals should be forbidden. A general provision to this effect should be inserted in the Convention, but the details should be a matter for the competent authority in each country.

## ITALY

15 As regards the employment of children in dangerous, difficult or unhealthy occupations, it would be desirable to provide that each State Member should determine, after the organisations concerned have been consulted, and after the

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<sup>1</sup> Provisional reply see above p 14

matter has been communicated to the International Labour Office, in what forms of employment children under fifteen should not be allowed to work, and in what forms of employment they may be permitted to work with the necessary safeguards and guarantees

#### JAPAN

15 See general reply, above p 16

#### LATVIA.

15 It would be desirable entirely to prohibit the employment of children in occupations which are dangerous in character or are likely to be injurious to their health or morals

#### LUXEMBURG

15 It would appear desirable to entirely prohibit the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals

As these occupations may vary from one country to another, it would appear very difficult to include a general and complete list of the occupations in question within the international regulations. This being impossible, there would appear no other way of defining the occupations other than by the competent authority of each country.

#### NETHERLANDS

15 The Draft Convention should make it obligatory on the national authorities to take measures to prevent the employment of children who have reached 14 years of age and the school leaving age, but who are under 18 in work which is injurious to their morals, health or life. The degree of these risks depends so much on the nature of the work, and on the sex and age of the young persons concerned that it would not be desirable to lay down regulations on admission to such employment in the Draft Convention itself. The Draft Convention should simply lay down the main principles

#### NORWAY.

15 The Draft Convention should prohibit entirely the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals



## POLAND

15 The Draft Convention should entirely prohibit the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals

It would be preferable, with a view to ensuring uniform enforcement as well as a proper measure of protection that a list of the occupations to be prohibited in the terms of the Question should be given in the Draft Convention

If the Conference is against inserting a list of occupations prohibited to children in the Draft Convention, the draft should contain a provision making it obligatory for the competent authority in each country to establish such a list

The Polish Government proposes that as a general rule the minimum age of admission to the occupations in question should be eighteen years

In order to enable children to learn their trade, the Draft Convention should provide that the competent authorities in each country may, after having taken the views of the occupational organisations of employers and workers, authorise the employment of children on certain forms of work, to the exclusion of work which is likely to be injurious to morals

For employment in cafés, bars, etc., cf the reply to Question 17.

## PORTUGAL

15 It should be prohibited to employ children in all occupations which are dangerous in character, or likely to be injurious to their health or morals

## SOUTH AFRICA.

15 Children under 14 years of age — yes

Children over 14 years of age — no

Special regulations should be laid down in the case of children over 14 years of age

Employment in the liquor trade should be included and engagement of any person under the age of 18 years therein should be prohibited. A special list of occupations should appear in the Draft Convention

## SPAIN

15 The Draft Convention should entirely prohibit the employment of children in work which is likely to be injurious to their health and morals. All underground work should therefore be prohibited under the age of 16, as well as all work

as acrobats, equilibrists, contortionists, or displays of strength in public entertainments, even if they have reached the age of 14. Employment should also be prohibited in establishments selling engravings, pictures, emblems, prints and other objects which, while their sale or distribution is not legally prohibited, might prejudice the child's morals. Employment of this kind should also naturally be prohibited for young women.

The Convention should not contain a detailed list of occupations in which the minimum age should be higher than that generally laid down, but merely the principle that the competent authority in each country should include a list of the occupations in question in the regulations.

### SWEDEN

15 See reply to Question 14

### SWITZERLAND

15 The work in question should be prohibited, as it cannot be considered as light work which children should be authorised to perform before the minimum age of admission. It follows that family undertakings engaged in work of this kind should not be exempt from the general provisions.

As was mentioned in the introduction to the Swiss Government's reply (*vide* under Question 1), the most that could be done in a Draft Convention would be to give a general definition of this work, while a Recommendation might possibly contain a list. In the opinion of this Government, it would be desirable to mention the service of customers in public-houses, cafés, dance-halls, all work in picture-houses, cafés where musical performances are given, and other similar establishments, work involving a certain amount of danger, such as work on aviation grounds, the work of lift attendants, the operation of certain office machines, the handling of chemical products and toxic substances in chemists' shops, street trading, etc.

It should be left to the States Members to fix the different minimum ages for such classes of work.

### URUGUAY

15 The employment of children in occupations which are dangerous to their health or morals should be absolutely prohibited.

## YUGOSLAVIA

15 The Draft Convention should entirely prohibit the employment of children in occupations which are dangerous in character or likely to be injurious to their health or morals. The minimum age for admission should be fixed at 18 years. It is desirable that the Draft Convention should contain a list of such occupations. special consideration should be given to the sale of alcoholic drink, of explosives and of chemical products and preparations which endanger health.

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## Question 16.

*Possible exceptions and special cases (continued)*

### (f) *Street trading.*

16 (a) Should the Draft Convention lay down special regulations on the minimum age for admission to employment in street trading?

Should a minimum age higher than the general minimum be fixed for the admission of persons of either sex to such employment? Should the age be fixed at 18 years as an absolute rule for girls, and what age do you propose for boys?

What other special regulations, if any, should be prescribed with reference to the minimum age as such for street trading?

(b) What particular occupations do you consider should be included as "street trading" for the purpose of the present Question?

Should employment at counters outside shops be included?

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## AUSTRIA

16 It should be said in the first place that this question falls outside the scope of the problem of the protection of children which is at present under discussion. It is scarcely to be recommended, and would not correspond to the methods hitherto adopted for international labour legislation, to include in a Convention dealing with the work of children protective provisions for persons who have already passed the age of childhood. The three Conventions mentioned in Question 2, viz. those concerning the work of children in industry, in agriculture, and at sea are confined to provisions for the protection of children until they have completed their fourteenth year, and in the same way the Convention on the work of children in non-industrial occupations should be kept within the same limits. The problem raised in Question 16, i.e. the protection of young persons between the ages of 14 and 18 should, on the contrary, be dealt with as a whole in special international regulations.

Apart from this criticism of the principle involved, international provisions on the admission of young persons to itinerant occupations (street trading) should be welcomed. The question of the age of admission to such occupations depends on what occupations are intended. If, for instance, itinerant occupations were to include strolling players and travelling circuses, and it were forbidden to employ boys in such undertakings who have not completed their sixteenth year and girls who have not completed their eighteenth year, grave difficulties would be met with in practice, although it must be admitted that such occupations present special moral dangers for young persons. So far as the house-to-house sale of goods is concerned, the age of eighteen years might be taken into consideration for young persons of both sexes. It must be said, however, that in this case again certain difficulties would have to be overcome in practice, even if the sale of certain goods only is considered such as fruit, vegetables or flowers.

If it is decided to adopt a special minimum age for itinerant occupations, the expression must at least be clearly defined, and in this connection it may be mentioned that employment at street counters would by definition scarcely be considered as an itinerant occupation.

## BELGIUM

16 (a) The reply is in the affirmative. The minimum age should be 18 years for both sexes.

(b) The expression "street trading" should in the opinion of this Government include the occupations of itinerant performer, showman, quack, exhibitor of animals or curiosities, circus actor.

Employment at counters outside shops should not be included in "street trading."

## BRAZIL

16 (a) Street occupations, which, as shown in the list below, are both numerous and varied, are always liable for one reason or another to injure the physical, intellectual, and moral development of the child, and may be trebly harmful. The extension of such occupations should therefore be prevented as much as possible. It is therefore proposed that the minimum age of admission to any of these occupations should be fixed at 16 years for boys and 18 years for girls, and that no exception whatever should be admitted.

(b) The term "street trading" should include all the minor trades and businesses which are carried on in the street and in other public places, such as

Sale of newspapers, books, postcards, lottery tickets, flowers, fruit, sweets, pastry, toys, games, drinks, matches, various articles, and hawking in general,

Distribution of pamphlets, soliciting customers, carrying baggage, delivering parcels, running errands, singing, instrumental music, acrobatic performances, conjuring tricks, exhibition of animals, photography, employment at counters outside shops, boot-blackening

This list is, of course, capable of being extended

### BULGARIA

16. Article 5 of the Bulgarian Act on street trading regulates this question in this country. Street trading is permitted for persons of 21 years or over. At the same time, there are certain forms of light work regarded as street trading, e.g. selling flowers, newspapers, sweets and so forth, in which children may be employed and which come within the class of light work referred to in Question 6. For these forms of light work the minimum age should be 12 for boys and 18 for girls.

The expression "street trading" includes the sale of any kind of article when the seller moves about with his goods.

### CANADA

#### *Alberta*

16 See above p 10

#### *British Columbia*

16 (a) The reply is in the affirmative

18 years should be fixed for both girls and boys

Written permission of parents should be required

(b) The competent public authority in each State should designate the occupations to be covered

Employment at counters outside shops should be included

#### *Manitoba*

16 (a) The reply is in the affirmative

18 years for girls, boys to be governed by conditions of employment or trading. Would suggest the licensing of both boys and girls by proper authorities

(b) Trading for gain of any kind

As regard the last paragraph of the Question no opinion is expressed there is very little of such employment in Manitoba

### *Ontario*

16 It is our opinion that the minimum age for admission to employment in street-trading should be stated as 16 years for girls and 12 years for boys, provided that employment at this age should not be in contravention of the terms of the School Attendance Acts

### *Saskatchewan*

16 The draft Recommendation should lay down special regulations on the minimum age for admission to the employment of «street trading» and that «street trading» should include all street occupations, including the employment at counters outside shops

### CHILE

16 (a) and (b) The general minimum age might apply in this case Occupations followed in the streets should be included as «street trading»

### CUBA

16 (a) It should be left to the competent authority in each country to make the appropriate regulations

(b) All work done outside fixed premises should be included as «street trading»

### DENMARK

16 (a) The Danish Government considers that the minimum age of admission to employment in street trading should be raised, so as to fix it at 18 for girls and 16 for boys The competent authorities should, however, be empowered to authorise the employment of children over 14, having regard, in granting such authorisation, to the circumstances already referred to under 7

(b) The term «street trading» should refer to hawking, but it should also cover such occupations as itinerant theatres and circuses

The employment of children at counters outside shops, etc., should also be subject to higher age limits than the general age of admission, as stated under 16 (a)

### ESTONIA

16 A higher minimum age than the general admission age should be fixed for the admission of persons of either sex to employment in street trading. The age should be 18 for girls and 16 for boys

### FINLAND

16 (a) Street and house-to-house selling should not be permitted, except under the supervision of the competent authority, save in the case of the occasional sale of produce gathered or cultivated by the seller or by the members of the seller's family. All other house-to-house sale should be prohibited. The Convention should not lay down a higher minimum age. See the answer to question 17 below

(b) Selling at counters outside shops should be treated in the same way as street selling, if the children have to deal with members of the public

### FRANCE

16 The French Government considers that the Draft Convention should also lay down special regulations raising the general age for admission to employment in street trading.

In the occupations involving street trading a distinction, however, should be made between, on the one hand, those occupations which are only itinerant because the persons engaged in them are employed in undertakings which are themselves itinerant such as undertakings connected with fairs or itinerant branches of stationary undertakings, and on the other hand, occupations which are in themselves itinerant, such as hawking and the sale of articles in the street, or from door to door.

For the former class the general age of admission might be maintained, subject to the prohibition of the employment of children in dangerous work as mentioned under No 15. For the second class it should be raised to 16 years.

The sale of goods on stalls outside shops is certainly a form of street trading, but such stalls would appear to be directly dependent on the stationary undertakings to which they are attached, consequently employment in connection with them does not appear to be an itinerant occupation. In view,



however, of the dangers which any form of street trading is liable to involve for children, special regulations should be applied to them

The age at admission should be fixed at 16 years for girls. The employment of boys in connection with stalls outside shops should be limited to a certain number of hours per day and should be prohibited in case of severe weather and after 8 p. m.

## GERMANY

16 As regards the question raised here of a higher minimum age for so-called "itinerant occupations" to which "street-trading" should be assimilated, the same observations apply as in the reply to Question 15. While fully recognising the importance of the question, the German Government is of opinion that it cannot be regulated in the present proposed Draft Convention.

## GREAT BRITAIN

16 Most Local Authorities in England and Wales have prohibited street trading by girls under 16, and a large majority have raised the age limit for boys from 14 to 15 years.

(a) His Majesty's Government would be in favour of prohibition for both sexes under 16, and of regulation between the ages of 16 and 18<sup>1</sup>.

(b) His Majesty's Government suggest the definition of "street trading" at present laid down in their Education Acts, viz., "The expression 'street trading' includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening, and any other like occupation carried on in streets or public places."

As regards the last question it is presumed that the counters referred to are temporary erections put up by the shopkeepers for the purpose of selling goods to passersby. In such a case the children employed are under the control of the shopkeeper and there is no question of evil association or any of the bad influences of street trading in the ordinary sense. In these circumstances the British Government are of opinion that such employment should not be treated as 'street trading'.

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<sup>1</sup> The Office has been informed by the British Government that the recommendation contained in the answer to question 16 (a) represents the policy of His Majesty's Government in Great Britain, but that the applicability of this recommendation to Northern Ireland is a matter which is still under consideration.

## GREECE

- 16 (a) First paragraph the reply is in the affirmative  
 Second paragraph yes 16 for boys, 18 for girls

Third paragraph a certificate of physical fitness delivered as specified under 14 a permit from the competent authority, which should be empowered in all cases to require a fresh medical examination with a view to ascertain whether the work required is in excess of the child's strength, and in that case to cancel the permit

- (b) First paragraph all forms of street trading, e.g. hawking, selling foodstuffs, goods, and other commodities  
 Second paragraph the reply is in the affirmative

## HUNGARY

16 (a) The Draft Convention should fix a minimum age for admission to street trading (itinerant occupations). This minimum age should be higher than the general age for admission. It would be desirable to fix a higher minimum for girls than for boys, but it would not be desirable to fix the same minimum age for all itinerant trades. Distinctions should be made between these various occupations. In the case of house to house selling, selling at counters outside shops, and itinerant industries, the minimum age might be fixed at 18 for youths and 20 for young women

(b) The expression "street trading" should include hawking, selling at fairs and in the market place, all forms of itinerant selling, the collection of orders, all forms of itinerant industries, strolling players and itinerant public entertainments

INDIA <sup>1</sup>

16 No such regulations should be prescribed in a Draft Convention, but may be embodied in a Recommendation. The Government of India are unable to attempt a more detailed reply to this Question without further investigation, which has not been possible within the time at their disposal

## IRISH FREE STATE

16 (a) The school leaving age should be fixed as the minimum age for boys and girls

<sup>1</sup> Provisional reply See above p 14

(b) Sale of newspapers, flowers, etc Employment at counters outside shops should not be included

### ITALY.

16 With regard to street trading, it would be desirable to fix a minimum age of sixteen for children of both sexes, while leaving it to national law to regulate the other conditions of admission to employment and to define the occupations which should be considered as street trading It is understood, however, that this term ought not to include the employment of children at counters outside shops but belonging to the shopkeeper

### JAPAN

16 See general reply, above p. 16

### LATVIA

16 (a) On account of the moral dangers inherent in itinerant occupations (street trading), it would be desirable to prohibit girls under eighteen years of age from engaging in such occupations The minimum age for boys should be fourteen years

(b) It would be desirable to leave it to the competent authority in each country to draw up a list of itinerant occupations

### LUXEMBURG

16 It cannot be denied that itinerant occupations (street trading) imply numerous dangers to children's morals, principally in the case of girls It would therefore seem desirable to adopt special regulations for the minimum age for admission of young persons to itinerant trades

It might be a useful rule to adopt the ages of 18 years for girls and 16 years for boys as the age of admission

Itinerant occupations might include house to house trading, itinerant industries and trading (knife-grinders, rag-merchants, etc), and all persons who visit fairs for the purposes of their occupations

It does not appear desirable that the term "itinerant occupations" should include stalls outside shops, if these stalls are annexes of shops or directly depend upon them

It may be mentioned here, for general information, that the Act of 18 June 1870 in the Grand Duchy of Luxemburg

laid down very strict conditions for the carrying on of itinerant occupations

Article 4 of this Act provides that no licence shall be issued to a person under 25 years of age, unless it is shown that he or she has no other means of livelihood

Article 3 of the same Act formally prohibits hawkers and others following an itinerant occupation, when engaged in their trade, from being accompanied by persons not expressly named on their licence. Authorisation to accompany hawkers or persons engaged in an itinerant trade will not be issued to children under 14 except in case of absolute necessity

### NETHERLANDS

16 The street trading occupations referred to here are bound up with the category of employment referred to in Question 15, i.e. employment which involves moral dangers. It will be seen from the reply given to Question 15 that the Netherlands Government takes the view that the Draft Convention should not contain direct provisions concerning the admission age. However, if such regulations are inserted in the Draft Convention the minimum admission age to this class of occupation should be fixed at 18 years. "Street trading" should mean any form of selling in the street, or selling or offering for sale in the street and in public buildings except selling and offering for sale at counters outside shops

### NORWAY

16 (a) The Draft Convention should entirely prohibit professional work of children under 14 years in street trading. A minimum age higher than the general minimum is considered needful for the admission to such employment, as well as to employment mentioned in Question 15, but provisions of this kind should not be laid down in the Draft Convention which should only deal with children under the general minimum age. It should, however, be considered if provisions of a higher minimum age in the said employments should be dealt with in a Recommendation

(b) As "street trading" should be included sale of newspapers, matches and flowers, etc., cleaning of boots, begging in connection with or without performances or music, employment at counters outside shops, etc

## POLAND

16 (a) The Draft Convention should provide special regulations for the minimum age of admission to employment in street trading and fix it at 16 years for boys and 18 years for girls

(b) The expression "street trading" should include all sorts of occupations carried out in the streets, notably — hawking, sale and purchase of different articles, execution of different classes of work, and entertainments of all kinds

A list of the categories of street trading should be inserted in the Draft Convention

The minimum ages of 16 for boys and 18 for girls should be laid down for employment at counters outside shops

## PORTUGAL.

16 (a) and (b) See the reply to question 3 (a) It is thought that it would be difficult to classify and make a list of occupations to be considered as 'street trading'

## SOUTH AFRICA

16 (a) and (b) Control in the Union of South Africa can at present be exercised by local authorities acting under Section 5 (1) of the Children's Protection Act No 25 of 1913 as amended, which reads

Any local authority having power to make by-laws may, in accordance with any law governing the exercise of that power, make by-laws for prohibiting or regulating and restricting street trading by children within the area of its jurisdiction and for prohibiting any person having the custody, charge or care of any child from procuring, causing or allowing that child to engage in street-trading within such area contrary to the provisions of any by-laws

It is considered that a measure of local autonomy subject to a general minimum age of 14 years, is desirable

## SPAIN.

16. (a) Special regulations should be laid down for admission to employment in street trading, and the age for admission should be higher than the general minimum laid down in the Convention

For girls it should be laid down that they should have attained their majority under the civil law

In the case of boys, the Convention should lay down the age of 18

Independently of the minimum age, it should be laid down that street trading should only be engaged in with the authorisation of parents or guardians, except for children not under guardianship

(b) Street trading should be considered to be trading which is not regularly carried on in one shop or other establishment but on the public street, as distinct from trading in a shop or other fixed establishment. In particular, it should mean an occupation carried on in the public street which necessitates change of residence whether in different localities or in different suburbs of large towns

The term "street trading" should not include fixed counters which are placed outside certain establishments. The work of children at such counters, however, should be made the subject of special regulations on account of the physical conditions attached to it, and a higher minimum should be laid down (16 to 18 years)

#### SWEDEN

16 See reply to Question 14

#### SWITZERLAND

16 (a) The reply is in the affirmative. This occupation should be included among those mentioned under Question 15

A higher minimum age should be fixed in the case of this occupation, but it should be left to the States Members to fix it. All other special regulations should be left to the States Members to settle

(b) There can be no question here of industrial occupations carried on in the street, such as basket-makers, tinkers, umbrella-menders, glaziers, chair-menders, etc., or saw-sharpeners, file-cutters and knife-grinders. The following should be considered non-industrial occupations of an itinerant character: any purchasing or selling of goods carried on from house to house, street to street or from district to district, the occupation of strolling juggler, player or any other person carrying on a similar occupation or exhibiting panoramas, travelling menageries, etc. The following should be considered expressly excluded from street-trading: attending fairs and markets, selling on the public roadway and hawking agricultural produce such as berries, flowers, mushrooms, etc.

Employment at counters outside shops should, in the opinion of this Government, be placed on the same footing as ordinary trading in fairs and markets. It should therefore not be included under the heading of "street trading."

### URUGUAY

16 In the case of street trading, it is impossible, owing to the nature of the occupation, for any supervision over the child to be exercised, either by the family or by the public authority. It would therefore be desirable to fix a higher age of admission, which should not be lower than 18 years.

The term "street trading" should be understood in its ordinary sense, i.e., work which obliges the worker to exercise his occupation in the streets.

### YUGOSLAVIA.

16 (a) The minimum age of admission to street trading should be fixed at 18 years for children of both sexes.

(b) It is considered that the term "street trading" should include all occupations in which work is carried on, not in a definite place or building, but from house to house or street to street.

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## Question 17<sup>1</sup>.

*Possible exceptions and special cases (continued)*

### (g) *Other occupations*

17. Are there any other occupations for which you consider that special provision should be made in the Draft Convention? What occupations and what special provisions do you propose?

### BELGIUM

17 Generally speaking, any occupation carried on by children in public places and in the street should not be authorised before the age of 16

### BRAZIL

17 It is proposed that the Draft Convention should mention the occupations included under (iii) of the reply to Question 3 (establishments for medical and hygienic treatment)

These establishments include hospitals, nursing homes, asylums, medical and dental consultation rooms, sanatoria, bathing establishments, etc

The following ages are proposed — as a general rule, 16 years for males and 18 years for females

It would be necessary to require a certificate of health obtained after careful medical examination

It would also be necessary to prohibit employment of minors in places where tubercular cases are treated, and, in general, persons suffering from contagious diseases

Only employment which does not call for a knowledge of nursing should be authorised

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<sup>1</sup> It has not been thought necessary to reproduce here under this Question the replies of the Governments which have simply answered in the negative without any comment



## CANADA

*British Columbia*

17 Preparation of seasonal perishable commodities, outside school hours, by written approval of, and supervision by, competent public authority

## DENMARK

17 No

## FINLAND

17 Among the trades which children should be prohibited to follow, the following should be mentioned among others serving the public in hotels, restaurants and cafés, except in small family establishments. The fixing of a higher minimum age than fourteen years for the work mentioned in points 14-17 above might frequently be necessary, but for a number of reasons such provisions should not be inserted in the present Convention. The duty of taking measures in this respect corresponding to the special conditions in each country, should be left to the authorities of these countries. Provided that such work could be defined in a satisfactory manner, it would be possible to fix higher minima by special Recommendations.

## FRANCE

17 This question was dealt with in the replies to questions 15 and 16

## GERMANY

17 In answering this question, close consideration has been given, on the basis of the observations of the International Labour Office in the Red Book, page 28 of the German edition to the question of the employment of children under 14 years of age in *inland navigation* and in *fishing*

(a) *Inland Navigation* — It must be made clear to begin with, whether employment of children in inland navigation is not already included within the scope of the Convention on the minimum age for the admission of children to industrial employment, in that under Article 1 (d) the term "industrial undertaking" for the purposes of that Convention includes "transport of passengers or goods by road or rail or *inland waterway*". Should this interpretation of Article 1 (d) not be held to be correct the German Government proposes that in the case of children other than the employer's own the

minimum age for admission should be 14 years on completion of school attendance, and in the case of the employer's own children, 12 years. Further, similar protective provisions would be desirable to those referred to in the replies to Question 8 (hours of work), Question 9 (Sunday work), and Question 10 (night work). However, as there are special conditions to be taken into account in inland navigation, more particularly as regards the state of traffic and the level of water, it would be desirable to avoid rigid provisions in the Draft Convention, but the regulation of details should rather be left to the national legislation of the States Members.

(b) *Fishing* — It should first be made clear that the employment of children in deep-sea fishing comes under the Convention on the minimum age for the admission of children to employment at sea, so that for the purpose of the present proposed Draft Convention, account has to be taken only of fishing in inland waters or of the employment of children on land in preserving the catch of sea fishing.

Employment of children other than the employer's own for remuneration is not usual in Germany. On the other hand, the employer's own children are often employed to help. On the whole no complaints have been made of the use of child labour in fishing. The German Government considers that it might be proposed that the minimum age for employment in fishing of children other than the employer's own should be fixed at 14 years or completion of school attendance (cf. reply to Question 4 (a)). For the employer's own children some latitude must be provided for. The question might be regulated on the footing that in any case school attendance must be ensured. The Convention of the age for admission of children to employment in agriculture might serve as a model.

#### GREAT BRITAIN

17 The reply is in the negative.

#### GREECE

17 Such occupations as acrobats, mountebanks, quacks, animal tamers should be prohibited for children under eighteen.

#### HUNGARY

17 The limitations placed on hawking, etc. should be extended to all forms of street trading.

# IRISH FREE STATE

17 The reply is in the negative

# ITALY.

17 With regard to the other occupations for which provision should be made in the Draft Convention, it is proposed that the latter should regulate the employment of children in places where alcoholic drink is served, and should fix the age of admission at sixteen years

# JAPAN.

17. See general reply above p 16

# LATVIA

17 See reply to question 16 (b)

# LUXEMBURG

17 The present Draft Convention should cover all non industrial occupations

In view of the general scope of the regulations there appears no need to provide for further special regulations.

# NORWAY.

17 The reply is in the negative

# POLAND

17 The Draft Convention should lay down an admission age of 18 years for the employment of children in cafés, bars and places where intoxicating liquor is served

# PORTUGAL.

17 See the reply to question 3 (a)

# SOUTH AFRICA

17 The reply is in the negative



# Question 18.

*Possible exceptions and spécial cases (continued)*

## (h) *Employment of children by certain persons*

18 Should the Draft Convention provide that it is to be forbidden for persons who have been convicted of certain crimes or who are notorious drunkards to employ in any occupation whatsoever children other than their own under the general minimum age, even if these persons are living in the same household with such other children?

## AUSTRIA

18 The reply is in the affirmative. The desired object would not be attained, however, by the mere act of prohibition. Precautions must be taken to see that children other than their own are entirely removed from the guardianship of the persons in question, a measure for which there is no place within the scope of a Draft Convention such as the Labour Conference contemplates.

The phrase in this question "even if these persons are living in the same household with such other children" is confusing, and is only comprehensible if it is intended to refer to the adoption of exceptions for the employment of children who live in the same household with persons employing them. There is, however, no mention in the Questionnaire of such exceptions.

## BELGIUM

18. This question, which touches on the province of criminal law, should be left to the appreciation of the competent authorities in each country and be dealt with in a Recommendation.

## BRAZIL

18 The reply is in the affirmative.

## BULGARIA.

18 The Recommendation should prohibit persons who have been convicted of certain crimes or are notorious drunkards from employing children under 18 years of age in any occupation whatsoever

## CANADA

*Alberta*

18 See above p 10

*British Columbia*

18 The reply is in the affirmative The provision should also prohibit such persons employing their own children

*Manitoba*

18 The reply is in the affirmative

*Ontario*

18 We do not consider it necessary for this prohibition to be included in the Draft Convention

*Saskatchewan*

18 There should also be a provision forbidding persons convicted of serious crimes, and notorious drunkards, from employing children in any occupation

## CHILE

18 The answer is in the affirmative

## CUBA

18 The Draft Convention should include a prohibition such as is indicated in this Question

## DENMARK

18 The reply is in the affirmative

## ESTONIA

18 The reply is in the affirmative

# FINLAND.

18 It should be left to national legislation to adopt measures in this respect

# FRANCE

18 The French Government considers that the Draft Convention should prohibit the employment of children by persons who have been convicted of certain crimes or for drunkenness

# GERMANY

18 The employment of children other than the employer's own by persons whose moral conduct is not free from objection or who are notorious drunkards should be prevented as far as possible, even if the children live in the same household. The authorities primarily concerned with the protection of children in such circumstances will be the authorities for the protection of young persons. According to the German Workers' Protection Bill, however, the factory inspectorate should also be given power to take measures, as is provided in Section 5, sub-section 2 of the Bill in question

“ Employers who have been guilty of crimes or offences against good morals against young or female workers of their undertakings, and have accordingly had sentence passed on them which is not subject to any further appeal may be prohibited by the Workers' Protection Bureau from employing young female workers for the future or for a definite period ”

The expression “ young workers ” includes children. A similar provision is contained in the Bill on household employment

# GREAT BRITAIN

18 Although it is undesirable that such persons as those mentioned in the question should be allowed to employ children the enforcement of such a provision as is suggested would be impracticable and its inclusion in the proposed Convention is not recommended

# GREECE

18 The reply is in the affirmative

## HUNGARY.

18 The reply is in the affirmative

INDIA<sup>1</sup>

18 No Such a provision would require an elaborate supervising agency and would not be practicable in India

## IRISH FREE STATE

18 No reply is returned

## ITALY

18 It would also be desirable to provide that persons who have been convicted of certain crimes, or who are notorious drunkards, should be prohibited from employing in any occupation whatsoever children other than their own under the general minimum age, even if these persons are living in the same household with such other children

## JAPAN

18 See general reply, above p 16

## LATVIA

18 The reply is in the affirmative

## LUXEMBURG

18 All laws on the contract of apprenticeship have defined the cases in which apprentices may not be received

The same principles might by analogy be applied to non-industrial and non-artisan occupations

It is therefore strongly recommended that persons who have been convicted of certain crimes or who are notorious drunkards should be prohibited from employing in any occupation whatever children other than their own under the general minimum age, even if these persons are living in the same household with such other children

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<sup>1</sup> Provisional reply See above p 14



# NETHERLANDS

18 From the reply given to Question 6 it will be seen that the Netherlands Government is of opinion that children who have not reached the general admission age should only be allowed to do light work in the undertaking of their parents or guardians, outside the hours fixed for school attendance

If the question is regarded from this angle there is no need for a prohibition of the kind indicated in the present Question

# NORWAY

18 It is considered that a general prohibition should not be laid down in the Draft Convention. It should be left to the legislation of each country to regulate this matter

# POLAND

18 The Draft Convention should prohibit persons who have been convicted of certain crimes or are notorious drunkards from employing in any occupation whatsoever children under the general admission age, even if these persons are living in the same household with such children

# PORTUGAL

18 The reply is in the affirmative

# SOUTH AFRICA

18 The reply is in the affirmative

# SPAIN

18 The reply is in the affirmative

# SWEDEN

18 It would not appear necessary to include in the Convention a provision dealing with the cases referred to

# SWITZERLAND

18 However desirable it may appear to this Government that children should not be employed by persons who might have a bad influence on them, such as those mentioned in the

Question, this Government does not see at the moment by what practical means such a provision could be enforced. It is true that Swiss legislation on apprenticeship contains provisions which might be taken as a basis, most cantonal laws on apprenticeship refuse to allow apprentices to be employed by persons who are not in a position to exercise a good influence on the moral education of apprentices. Further the Federal Act of 26 June 1930 on occupational training contains the following provision in the first paragraph of section 3 "No person shall be entitled to engage apprentices except heads of establishments who can be relied on to give them or see that they are given in their establishments such occupational training as conforms with technical requirements and that no injury is caused to their health or morals. So far as this Government is aware, however, there is no similar provision in other laws than those on apprenticeship.

The present question also lacks clearness on certain points. What, for instance, is meant exactly by the word "crime"?

Further, no exception is provided for in favour of persons who though they have been sentenced to punishment involving moral reprobation, have subsequently reformed, or persons who although inclined to drink, are nevertheless qualified as employers. In any case it is thought that there are very few provisions of this kind in national legislations. It is therefore thought premature to regulate this point internationally.

### URUGUAY

18 Protective legislation should also prevent children being employed by unsatisfactory employers. Persons who have been convicted of crimes or who are notorious drunkards should be forbidden to employ children who are not members of their family.

### YUGOSLAVIA

18 The Draft Convention should lay down that such persons are to be prohibited from employing children.

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# Questions 19-20.

## *Enforcement*

19 Do you consider that the Draft Convention should lay down the following measures to be taken for facilitating the enforcement of its provisions

(a) Every employer in the occupations covered to be required to keep a register of all persons under a prescribed age employed by him, and of the dates of their births.

Should the prescribed age be at least two years above the minimum age for admission to employment in the particular occupation concerned?

(b) Strict aids to enforcement to be prescribed for employment in public entertainments, e.g. by the requirement of licences for such employment, safeguarding the right of entry to the premises for the purposes of supervision, and by what other means:

(c) A licence to be carried and a badge to be worn for employment in street trading.

(d) Penalties to be provided for non-observance of the conditions for facilitating enforcement?

What other measures do you propose?

20 Do you consider that the Draft Convention should provide that the necessary measures are to be taken to ensure adequate public supervision for the enforcement of its provisions?

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## AUSTRIA.

19. Persons employing children other than their own should be required to furnish information thereon to the competent local authority and to keep a register of all children and young persons employed until they have completed their sixteenth year. this register to contain the name and date of birth in each case

The production of a licence for employment in public entertainments and the right of entry to the premises would appear to be appropriate measures for effective supervision of the enforcement of the provisions in question

The introduction of licences and badges for young persons employed in itinerant occupations is intimately linked with the answer to Question 16, and attention is therefore drawn to the considerations therein set forth. In general, there would be no objection to imposing such measures

Non-observance of the above requirements, as well as of the other provisions of the Draft Convention should be liable to penalties.

20 The reply is in the affirmative

### BELGIUM

19 (a) The reply is in the affirmative. The register should contain information on all children whose ages are not at least two years above the age for admission to the employment concerned

(b) It is considered that the best measure of supervision would be to require children from 14 to 16 years of age to carry identity books, to be issued by the local authority on the responsibility of parents or persons standing *in loco parentis*

(c) This question calls for no reply in view of the reply above under (b).

(d) The determination of penalties should be left to national law

20 The reply is in the affirmative

### BRAZIL

19 (a) The reply is in the affirmative. The compulsory register should also show the place of birth of the children employed

The prescribed age should be at least two years above the minimum age for admission to employment in the particular occupation concerned

(b) The reply is in the affirmative. Licences for such employment should be renewable annually

Persons qualified to carry out supervision should have entire liberty of investigation and should be given every facility for this purpose

In addition to licences, it should be compulsory to carry an identity book containing all the requisite particulars — age, date and place of birth, nature of work, date of entering and leaving each engagement held, school certificate

(c) The reply is in the affirmative Licence and identity book as above The badge should consist of a distinctive plaque or medallion bearing a number The number should also be mentioned in the identity book

(d) It should be left to the authorities of each country to determine the sanctions and penalties to be inflicted on an employer in case of breach of the regulations — disobedience, bad faith, or negligence in applying the measures laid down for facilitating enforcement

The usual penalty should be a fine In certain cases such as repeated offences it might be necessary temporarily to prohibit the employment of children by the guilty party

20 The reply is in the affirmative The work of inspection should be entrusted to officials of both sexes in the following official services

Factory inspection  
Public health  
Police  
Protection of children

The collaboration of local school authorities private associations for the protection of children and all persons willing and able to do useful work in this field should also be enlisted

## BULGARIA

19 (a) It is desirable that employers should be required to keep special registers for all children under the prescribed age

(b) Supervision of employment of children in public entertainments should be carried out by the labour inspectors, the medical authorities, and the local authorities

(c) Penalties should be prescribed for persons who infringe the regulations Local legislation should settle the form and grading of these penalties

20 The supervision of all the provisions to be laid down should be entrusted to the labour inspectors, assisted by the local health authorities

## CANADA

*Alberta*

19 See above p 10

*British Columbia*

19 (a) The reply is in the affirmative The prescribed age should be two years or more above the minimum age

(b) See answers to No 14

(c) The reply is in the affirmative or a uniform might be prescribed

(d) The reply is in the affirmative The right of entry for supervision should be safeguarded in all cases

20 The reply is in the affirmative

*Manitoba*

19 The replies to (a) to (d) are in the affirmative

20 The reply is in the affirmative

*Ontario*

19 We are of the opinion that the Draft Convention should lay down the following measures to be taken for facilitating the enforcement of its provisions

(a) Every employer in the occupations covered to be required to keep a register of all persons under a prescribed age which should be set at two years above the minimum age for admission to employment in the particular occupations concerned

(b) That all children employed in public entertainments should be required to hold licenses for such employment and that right of entry should be secured for the purposes of the supervision of such employment

(c) That a license be carried and a badge worn for employment in street-trading,

(d) Penalties should be provided for non-observance of the conditions for facilitating enforcement

20 We are of the opinion that the Draft Convention should provide that necessary measures are to be taken to ensure adequate public supervision for the enforcement of its provisions

### *Saskatchewan*

19 20 The opinion is held by this Government that the draft regulations should require employers to keep a register of the children employed, that a license should be carried and a badge worn by all children employed in "street trading", and that penalties should be provided for the non-observance of these conditions

Under the Child Welfare Act of Saskatchewan special licenses are required for children giving public entertainments the right of entry for inspection and necessary measures for adequate official supervision are also provided for

### • CHILE

19 (a) The replies are in the affirmative

(b) The two measures indicated in this section would be sufficient

(c) and (d) The replies are in the affirmative

20 The general rules for labour inspection should apply and the labour inspectors should undertake this supervision, without prejudice to the collaboration of the authorities responsible for granting the various permits

### CUBA

19 (a) (first paragraph) The reply is in the affirmative  
(second paragraph) The reply is in the negative, the prescribed age should not be above the minimum age of admission, with the exceptions which have been decided on

(b), (c) and (d) It should be left to the competent authority in each country to decide on the appropriate regulations

20 The reply is in the affirmative

## DENMARK

19 (a) The Act of 1925 referred to above provides for compulsory registration and for appropriate penalties. It is recommended that the Draft Convention should stipulate that all undertakings covered by the law should keep a register containing the names of all persons under 16, 18, or 20 years employed therein, according as the minimum age of admission is fixed at 14, 15 or 18 years respectively, together with the name, domicile, and age of the said persons, as shown by their attached birth certificate.

19 (b) It is proposed that the establishments in question should keep a register for persons employed under 16 as proposed under (a) above, and further that the competent national authorities should take such measures as they think fit for the proper enforcement of these rules.

19 (c) Children occupied in street trading should be provided with a licence from the competent authorities, presentable on demand.

19 (d) The reply is in the affirmative.

20 As regards Denmark, the Danish Government considers that it is not necessary to insert any special measures for the proper application of its provisions in the Draft Convention, and that ordinary supervisory authorities should be responsible for the proper enforcement of these provisions.

## ESTONIA

19 (a)-(d) The replies are in the affirmative.

20 The reply is in the affirmative.

## FINLAND

19 (a) The reply is in the affirmative.

(b) and (c) It should be left to the competent authorities in each country to take measures for inspection.

(d) The reply is in the affirmative.

20. The reply is in the affirmative.



# FRANCE

19 The French Government considers that the Draft Convention should lay down measure to be taken for facilitating the enforcement of its provisions

The following provisions should be included for this purpose

1) It should be obligatory for children under 18 years of age to be in possession of a licence issued by the public authority and mentioning their full name, the date and place of their birth, and their domicile

2) Employers should only be allowed to employ children in possession of such a licence They should be obliged to enter on the licence the date of engagement and dismissal of the child, and to enter the same information in a register

3) Employers should be obliged to produce the licences and registers required to do so by the agents responsible for supervision

The Draft Convention must necessarily make provision for penalties, the nature of which would be determined by the competent authority of each State

20 The Draft Convention should provide measures to ensure the enforcement of the Convention, especially in those countries where there is no factory inspection service

# GERMANY

19 It should be provided as a general principle in the Draft Convention that the employer is to see that the ages of children employed by him can be clearly ascertained, and that the supervision exercised by the competent authorities for the employment of children is facilitated The Draft Convention, however, should not be overloaded with details of this kind, but corresponding proposals should be left for a supplementary Recommendation For ensuing enforcement, it might be proposed *inter alia* that the employer be required to keep accurate lists of the children employed by him, that a work card or a licence for each individual child to be employed is properly displayed, and so on Moreover, as regards the question under 19 (a), paragraph 2, reference is made to the replies of the German Government to Questions 15 and 16 where it is suggested that the proposed Draft Convention should only refer to the protection of children up to the age of 14 and should not deal with the protection of young persons between 14 and 16 Failure of the employer to comply with

the formal prescriptions regarding keeping of lists, workcards, and so forth should be liable to punishment as an offence

20 The requirement of suitable public supervision for the purpose of ensuring enforcement of the provisions laid down for the protection of children should be included in the Draft Convention. However, it should be left to the States Members to settle the authorities which are to be entrusted with this work. In addition to the factory inspectorate, such authorities as, for example, health authorities, authorities for the welfare of young persons, school boards, etc. might be taken into account.

### GREAT BRITAIN

19 (a) Yes. It is suggested that the prescribed age should be that of school attendance.

(b) Yes, by the requirement of licences.

(c) The reply is in the affirmative.

(d) The reply is in the negative.

20 It would seem to be sufficient to insert an Article in the Convention similar to that in the three other Conventions to the effect that each member which ratifies the Convention agrees to bring its provisions into operation by a certain date, and to take such action as may be necessary to make these provisions effective.

### GREECE

19 (a) The reply to both paragraphs is in the affirmative.

(b) Yes, as an alternative method a fresh medical examination.

(c) The reply is in the affirmative.

(d) Yes, as an alternative measure cancellation of the permit in cases of infringement of the regulations.

20 The reply is in the affirmative.

### HUNGARY

19 (a) The reply is in the affirmative.

(b) A licence issued by the authorities, and official inspection, would be desirable. Entry to the premises should only be allowed to persons in possession of identity cards.

(c) It would be desirable that children employed in street trading should carry identity cards with their names thereon, as well as special badges

(d) It is desirable that persons who fail to observe the conditions laid down should be fined. It is also desirable that provision should be made for regulations under which all persons who fail to observe the conditions laid down after they have been fined should be prohibited from employing children during a fixed period (at least two years)

20 Supervision of the enforcement of the provisions should be left to the public authorities. The organisation of a separate inspectorate is not required

### INDIA <sup>1</sup>

19 and 20 As has been stated already, the chief difficulty in India is the problem of enforcement. In the first place the prevailing illiteracy makes it doubtful whether every small employer in the occupations which might be included within the scope of a Draft Convention or a Recommendation would be able to maintain a register as suggested in part (a) of question number 19. Secondly in most parts of the country there is no proper system of birth registration or age certification. Thirdly, India is a vast country with a very large population, the establishment of any special supervising agency would involve an amount of expenditure beyond her resources. The details regarding enforcement should not be prescribed in a Draft Convention but left entirely to the competent authority in each country

### IRISH FREE STATE.

19 (a), (b), (c), and (d) The replies are in the affirmative

20 The reply is in the affirmative

### ITALY

19 With a view to the enforcement of the provisions of the Draft Convention it would be desirable to stipulate that children should be allowed to work when in possession of a licence issued by the competent authority giving the date of

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<sup>1</sup> Provisional reply. See above, p. 14

then both and including a medical certificate of their physical capacity for the work which they intend to perform

The licence should be compulsory up to the age of fifteen as a general rule and, in the case of special occupations, up to the age fixed for admission to employment

It should be the duty of the employer to retain this licence during the whole period of employment, and to keep up to date a register of all persons employed by him under a prescribed age, and of their surnames, Christian names, and dates of birth

The various national laws should provide for penalties for employers who fail to observe these formalities

20 The Draft Convention should stipulate that each State Member should entrust the supervision of the enforcement of the provisions of the Convention to the competent factory inspection service.

#### JAPAN

19-20 See general reply, above, page 16

#### LATVIA

19 The following measures to facilitate the enforcement of the provisions of the Convention should be provided

(a) a register of children employed to be kept by the employer,

(b) and (c) licences which children employed in itinerant occupations (street trading) should carry, and the right of entry to premises for the purposes of supervision

(d) the reply is in the affirmative

20 The reply is in the affirmative

#### LUXEMBURG

19 The enforcement of the provisions of this Convention requires the adoption of certain supervisory measures, e.g., the keeping of a special register in which the employer would be required to enter all necessary information concerning the children employed by him

Further, a special license should be compulsory if itinerant occupations are engaged in. It is possible that a special licence may also be of utility in places of entertainment and amusement

20 In order that the provisions of the Convention should be strictly observed, suitable public inspection is desirable

Although measures for the protection of labour are usually among the functions of the general factory inspectorate, it would appear preferable on account of the special character of the occupations covered by the present Convention, particularly itinerant occupations to entrust the supervision of these occupations to the general police force

### NETHERLANDS

19 In general it is preferable to leave it to the national authorities to take such measures as are considered necessary for the purpose of supervising the enforcement of regulations drawn up in conformity with the Draft Convention Too detailed provisions in a Draft Convention may impede ratification There would be little objection if the Draft Convention laid down that effective arrangements for supervision and for penalties were to be made in countries which ratify the Convention, but such a provision is practically superfluous

20 In view of the reply to Question 19, the reply to the present Question is in the negative

### NORWAY

19 (a) The reply is in the affirmative

(b-d) The Draft Convention should lay down as a general provision that special measures of control should be required for employment in the undertakings mentioned in this question

In the Draft Convention these measures should be quoted by way of example, as it should be left to the national legislation to lay down in detail the necessary measures

The non-observance of the provisions should be penalised

20 The reply is in the affirmative

### POLAND

19 The Draft Convention should lay down the following measures for facilitating the enforcement of its provisions

(a) In the occupations covered, every employer should be required to keep a register in which would be entered the

names and dates of birth of all persons employed by him under 18 years of age

(b) For employment in public entertainments, the right of entry into premises for the purpose of supervision should be safeguarded

(c) Young persons engaged in street trading should be required to have licences and badges

(d) It Should be provided that where the provisions of the Convention are not complied with, the persons at fault are to be punished by fine or imprisonment

20 The Draft Convention should ensure the operation of a public inspection service carried on by labour inspectors of both sexes with a view to guaranteeing compliance with its provisions

#### PORTUGAL

19 (a) and (b) The replies are in the affirmative

(c) The reply is in the negative

(d) The reply is in the affirmative

20 The reply is in the affirmative

#### SOUTH AFRICA

19 (a), (b), (c) and (d) The replies are in the affirmative  
The submission of birth certificates and documentary proof of relationship are proposed

20 The reply is in the affirmative

#### SPAIN.

19 (a) The register referred to in the question should be kept, and the age should be at least two years above the minimum age for admission to employment

(b) The Convention should lay down the general principle of compulsory inspection and the authorities in each country should take steps to make it effective

(c) Only in the case of the authorised employment of minors in street trading, who should always be provided with an official licence and badge as evidence of the authorisation

(d) The penalties to be provided for non-observance should be levied both upon the person employing the minor and his or her father or guardian

20 As stated above the Draft Convention should provide that national legislation should contain adequate provisions for ensuring that the inspection is effective

### SWEDEN

19-20 It might with advantage be left to national law to make the regulations in question here

With regard to the question of requiring the employer to keep a register of all persons under a certain age (Question 19 (a)) there would appear to be little justification for this, since, as will no doubt be generally the case in most of the establishments covered by the Convention, only a small number of children are concerned, and it would probably be difficult to carry it out. It might and should be required, on the other hand, that the employer should be in possession of an official certificate or other document giving the age of every person under 18 in his employment

### SWITZERLAND.

19 It is considered that the Draft Convention should, at the most, provide that Governments are to take the necessary measures to ensure enforcement of the Convention. The means of execution and supervision should be left unreservedly to the judgment of the Governments

20 This question does not call for any reply in view of the previous answer

### URUGUAY

19 and 20 Supervision of the enforcement of the law should be effected by means of individual licences (one for each child) and by means of registers. Both of these documents should be established by the undertakings, and they should include all the information necessary for the enforcement of the regulations

The factory inspectorate should be given wide powers to supervise the undertakings covered by the Convention

## YUGOSLAVIA

19 It is considered that the Draft Convention should lay down all the measures mentioned in paragraphs (a) (b), (c) and (d)

20 The supervision of the enforcement of the provisions of the Draft Convention should be entrusted chiefly to the factory inspectorate

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Question 21 <sup>1</sup>.*Modifications to meet special conditions (Article 405 of the Treaty)*

21 Has your Government any, and what, observations or suggestions to make for modifications of the provisions of the Draft Convention in order to meet the case of countries where there are special climatic or other conditions (Article 405, paragraph 3, of the Treaty of Peace)?

In particular, should a different general minimum age be fixed, and any special minimum ages which may be proposed for particular occupations be modified, for application to such countries?

What age or ages do you propose, and for what countries?

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 BRAZIL

21 The replies to many of the previous Questions contain the principal suggestions which it is thought desirable to submit, particularly as regards the fixing of a general age of admission varying according to climate and the modifications to be made with regard to special minimum ages in certain occupations and for light employment.

The Government has no further observations to make.

## BULGARIA

21 International regulations on labour problems should take account of the special conditions of different countries, and in principle allow for a certain amount of elasticity. Climatic conditions, custom and tradition require some adaptation of provisions laid down on general grounds. It is for this reason that it is not desirable to fix either a special admission age for specific occupations, or a general minimum age of admission.

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<sup>1</sup> It has not been thought necessary to reproduce here under this Question the replies of the Governments which have simply answered in the negative without any comment.

## CANADA

*Saskatchewan*

21 To meet special conditions this Government has no observations or suggestions to make for modification of the provisions of the Draft Conventions in countries where special climatic and other conditions might affect the general purpose of the draft Recommendation

## FRANCE

21 The French Government considers that the Draft Convention should, like other Draft Conventions adopted by the Conference, contain special provisions for oversea countries in which climatic conditions and the physical development of the children make their conditions of work essentially different

Special provisions of a purely transitory character might also be laid down for those countries in which, for reasons other than those mentioned above, there is not as yet any regulation of the age of admission to employment or legislation on compulsory school attendance, or in which such regulations or legislation lay down ages notably lower than the general age of admission fixed by the Draft Convention

The special provisions mentioned in the two preceding paragraphs might consist in the fixing, either as a permanent or transitory measure, of lower minimum ages for admission to all or some of the occupations covered

## INDIA

21 India should be accorded special treatment under Article 405, paragraph 3 of the Treaty of Versailles. Children in tropical climes mature at a much earlier age than in the West, and in view of the fact that public opinion does not make itself felt against the employment of children of tender age, the imposition of a high minimum age would be extremely difficult to enforce. For India a general minimum age, if it is to be prescribed in a Draft Convention should not exceed 0 years in the first instance. The scope of the Draft Convention would also require to be limited to particular occupations. The Government of India are consulting Local Governments regarding the occupations to which it would be possible to apply such a Convention

## ITALY

21 Only the climatic conditions in certain countries, and no other special conditions should be taken into account in allowing possible exemptions to the provisions of the Draft Convention

## LUXEMBURG

21 The reply to this question is already partly contained in the foregoing replies

Luxemburg has no objection to according special treatment to countries where climatic conditions are peculiar

## PORTUGAL

21 In view of the special conditions and the system of education in this country the minimum age should be fixed in the case of Portugal at 12 years

## SOUTH AFRICA

21 If proposal to exclude domestic service is approved, then South African Government does not desire to suggest any modifications. If not approved, a lower minimum age of entering into domestic employment should be prescribed for non-Europeans

## SPAIN

21 The provisions of the Convention should only be modified on account of the particular conditions in countries where the climate or other special conditions renders desirable a higher minimum age

## SWEDEN

21 The replies to the two first questions are in the negative

No observation or suggestion in connection with the third question is called for

## SWITZERLAND

21 The Government is unaware at the moment of any special conditions in the sense of paragraph 3 of Article 405 of the Treaty of Versailles. The Government therefore reserves its attitude on the question until the proposals of the other Governments are known

## YUGOSLAVIA

21 The Draft Convention should apply only to children who are natives of the ratifying country, and not to immigrant children

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Question 22<sup>1</sup>.*Other points*

22. Are there any other points which you consider should be dealt with, and in what way, in the Draft Convention?

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## BRAZIL

22 The Government is not aware of any further details which it would be desirable to include in the Draft Convention. At the same time, the Government does not oppose in advance the inclusion of fresh points in the international regulations.

## BULGARIA

22 In the opinion of this Government the Recommendation should not go into details, which might obscure the general principles regulating this subject.

## CANADA

*British Columbia*

22 Exemptions should be strictly delimited.

*Saskatchewan*

22 Chapter 231 of the Revised Statutes of Saskatchewan, 1930, An Act Respecting the Welfare of Children, is the principal legislation in Saskatchewan respecting the employment of children in non-industrial occupations. A copy of this act is forwarded herewith for information.<sup>2</sup>

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<sup>1</sup> It has not been thought necessary to reproduce here under this Question the replies of the Governments which have simply answered in the negative without any comment.

<sup>2</sup> This Act is not reproduced in this report.

## CHILE

22 In consideration of the range that an international agreement of this nature should have, the points dealt with in this Questionnaire appear sufficient.

## ESTONIA

22 The Estonian Government is of opinion that any Draft Convention should only lay down general principles, leaving the regulation of all details to national law.

## CHAPTER II.

GENERAL SURVEY OF THE PROBLEM IN THE  
LIGHT OF THE REPLIES OF THE GOVERNMENTS

In the light of the views expressed by the Governments whose replies to the Questionnaire are reproduced in the preceding chapter, what proposals should be framed for submission to the Conference as a basis for the final discussion and decision which are to take place at the Sixteenth Session? It will be the task of the present chapter to endeavour, by analysing and comparing the replies of the Governments to the different points raised in the Questionnaire, to ascertain the solutions which at this stage would appear to be likely to secure a two-thirds majority at the Conference for their adoption internationally. It may simply be noted here, by way of introduction to this task, that it is proposed in carrying it out to deal with the different points contained in the Questionnaire in the order in which they were put to the Governments, and under the same sub-divisions as have been adopted in the preceding chapter for the presentation of the Governments' replies. It will then be reserved for the third chapter of this Report to collect together the results of this method and present them to the Conference as a whole.

## I

## PRELIMINARY QUESTION PRINCIPLE OF INTERNATIONAL REGULATION BY DRAFT CONVENTION (Question 1)

In the first Question, then, the Governments were asked for their views as to whether (a) the Conference should adopt international regulations on the present item on the Agenda, and, if so, (b) whether these regulations should be embodied in a Draft Convention rather than in a Recommendation.

(a) *Principle of international regulation.* — When it is recalled that the Conference at its First, Second and Third Sessions respectively has already regulated internationally the age of admission to three departments of the field of employment, viz. in industry, agriculture and at sea, and that the Fifteenth Session of the Conference, at which the first discussion of the present problem took place, unanimously placed the problem on the Agenda of the Sixteenth Session, it can hardly be a matter for surprise that no serious hesitation is expressed in the replies of the Governments as to the desirability of extending international regulation in some form or other to the remaining part of the field of employment which has not yet been covered, and which has been designated for the purpose of the discussions of the Conference as ‘employment in non-industrial occupations’.

It is no doubt true, as the Swiss Government observes, that some forms of non-industrial employment are not so dangerous, unsuitable, or arduous for children as some forms of employment in industry strictly so called, that the element of international competition does not enter into the problem of the admission age to “non-industrial” employment to the same extent as in the case of the problem of admission to employment in industry, and that there is, unfortunately, still considerable leeway to make up in securing wider ratification by the States Members of the Washington Convention adopted more than ten years ago for dealing with this latter problem.

All the same, these comparisons would hardly seem, and are probably not intended, to detract from the merits of the present item on the Agenda as a problem calling for international regulation. As a matter of fact, it might well be argued from the purely humanitarian standpoint that the objections to child labour and the possibility of its abuse in “non-industrial” occupations are on the whole as great as in any of the departments of employment with which the Conference has already dealt. Besides, as a considerable number of Governments, including the Swiss Government, have expressly affirmed, the mere fact that the admission age to employment in industry, agriculture and at sea has been internationally



regulated for so many years makes it desirable that the Conference should now endeavour to fill the gap left by these regulations and so complete the circle of international regulation over the whole range of employment

However, there is no need to go at length into any discussion as to the desirability of international regulation of "non-industrial" employment. The fact which is all-important for present purposes is that all the Governments without exception have returned an affirmative reply to this first point in the Questionnaire and have signified their readiness to cooperate in framing international regulations.

(b) *Principle of a Draft Convention* — It will be no matter for surprise either that the Governments as a whole are in favour of embodying the international regulations on "non-industrial" employment in a Draft Convention rather than in a Recommendation, seeing that the previous decisions of the Conference with reference to employment in industry, agriculture and at sea are in the form of Conventions and that the Committee of the Fifteenth Session of the Conference expressly requested the Office to frame the Questionnaire in such a way as to lead up to a Draft Convention.

In point of fact, there are only a few Governments which have any doubts as to whether it would not be preferable to adopt the form of a Recommendation (Bulgaria, Estonia, India, Latvia, Luxemburg, Portugal, the Canadian Province of Saskatchewan, Switzerland). In the case of most, if not all, of these Governments, moreover, these doubts would not appear to be based on any opposition to the *principle* of a Draft Convention. Thus, Estonia, Portugal and Switzerland have expressly stated that they would be prepared to agree to the form of a Draft Convention if this form was preferred by most of the other Governments, though Estonia and Switzerland also desire that the Draft Convention should in any case be confined within certain limits and not go into all the details referred to in the Questionnaire. It is perhaps this apprehension of too detailed a Draft Convention which also explains the attitude of Bulgaria, Latvia and Luxemburg. At any rate, it is noticeable that Bulgaria refers to its own legislation as fixing

fourteen years as the admission age to "non-industrial" employment in that country and later on expresses the opinion that this age should be fixed by the Conference in any case for European countries, while the Luxemburg reply appears to suggest the alternative of a Recommendation only in case the Conference desired to lay down detailed rules on all the many and complex aspects of the problem before it. In the case of India<sup>1</sup>, too, though in view of the special conditions in that country in contradistinction to those in Western countries a Recommendation is preferred as likely to be more helpful in ensuring gradual progress, the Government would not be opposed to a Draft Convention, provided that, having regard to conditions in India, it gave that country special treatment under paragraph 3 of Article 405 of the Treaty of Peace and prescribed for it a standard very much lower than is considered necessary in the West.

For the rest, all the remaining Governments are definitely in favour of a Draft Convention (Austria, Belgium, Brazil, the Canadian Provinces of British Columbia, Manitoba and Ontario, Chile, Cuba, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary, Irish Free State, Italy, Japan, Netherlands, Norway, Poland, South Africa, Spain, Sweden, Uruguay, Yugoslavia)

The principle of a Draft Convention for the international regulations on the admission age for "non-industrial" employment thus appears to be abundantly secured.

At the same time, it should be observed that, in addition to the reservations referred to above in certain replies as to the limitation of the ultimate contents of the Draft Convention, somewhat similar observations are contained in a number of replies which are in favour of a Draft Convention. Thus, the German Government takes the view that the Draft Convention should not be too rigid, in order to allow as wide ratification as possible, and suggests (like the Swiss Government) that it might be supplemented by one or more Recommendations on details of application. Similarly, the Swedish Govern-

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<sup>1</sup> As noted *ante* at p. 14, the reply of the Government of India is to be regarded as being of a provisional nature.

ment considers that the Draft Convention should be limited to dealing with the essential points, while the Japanese Government has not specifically replied to the different points of the Questionnaire but has simply proposed that the Draft Convention should lay down certain general principles, on the analogy of the Convention concerning the admission age to employment in agriculture, and leave each country to regulate the other points as it thinks fit

As a matter of fact, taking all the replies to the Questionnaire as a whole, it seems clear that their general effect is that, while the main decision of the Conference should take the form of a Draft Convention, this draft should be confined to the more important points of general principle, and that details of application, so far as international proposals can be made on them, should be reserved for a Recommendation supplemental to the Draft Convention

It is accordingly proposed, in the review of the replies to the rest of the Questionnaire, to follow this policy, which it is hoped will not only provide the best means of finding a compromise between divergences in the views of Governments on individual points, but will also enable allowance to be made for those differences in climate, race, custom, tradition and other conditions in various countries which are not without their influence on the possibilities of international regulation of the question on the Agenda

### *The reply of the Government of India.*

Such allowance, however, as may be made for differences in national conditions by distributing the international regulations between the Draft Convention and the Recommendation may not be considered sufficient for India by the Government of that country, which, as already noted (*ante*, p 169), takes the view in its provisional reply to the Questionnaire that conditions in India are so essentially different from those obtaining in Western countries as to require special treatment under paragraph 3 of Article 405 of the Treaty, and could only accept a Draft Convention if it fixed for that country different and much lower standards than are

considered necessary in the West<sup>1</sup> In the opinion of this Government, India cannot hope to conform immediately to Western standards, but can only proceed in that direction by following a policy of gradualness which would allow of further progress being made from time to time in the light of the experience gained of the steps previously taken The result is that the reply of the Indian Government on many of the points in the Questionnaire is fundamentally different from those of the rest of the Governments, and is indeed in a category by itself

In these circumstances it would seem preferable, instead of taking the views of the Indian Government into account with those of all the other Governments on each separate point of the Questionnaire as it falls due for review in the following pages, to reserve the Indian reply as a whole for separate consideration at the end of this chapter, in the light of the provisions which it is proposed to include in the Draft Convention and Recommendation as a result of the review of the other replies The most suitable place for such separate consideration would be under Question 21 of the Questionnaire, which specifically consulted the Governments as to the modifications, if any, of the general provisions of the Draft Convention which they considered necessary for certain countries on the basis of paragraph 3 of Article 405 It is accordingly proposed to follow this course, and it should therefore be understood that references to the replies of the Governments in the following review down to Question 21 do not include the Indian reply

## II

### SCOPE OF THE DRAFT CONVENTION (Questions 2-3)

Under this section of the Questionnaire questions were put to the Governments not only (1) as to what the scope as such of the Draft Convention should be — a question of substance, but also (2) as to how the actual scope once determined should be defined for drafting purposes — a question of form

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<sup>1</sup> Cf., in particular, the preliminary observations to the Indian reply, *ante*, p. 14

(1) *The scope as such* (Question 2)

As has been already recalled (ante, p 167), the words 'non-industrial occupations' appearing in the item on the Agenda of the Conference were intended to designate all forms of employment not already dealt with in the three previous Conventions on the minimum age for admission to employment in industry, agriculture and at sea respectively. The potential scope of the item on the Agenda thus covers a wide and varied field and allows for as complete protection as possible for all children not already protected by international regulations.

The Governments were accordingly asked (a) whether they agreed in principle to the inclusion in the new Draft Convention of all the occupations within this field, and (b) whether they wished to exclude any particular occupation or occupations.

(a) *General principle* — The general principle that the new Draft Convention should cover all occupations which have so far been left unregulated by the previous Conventions is practically unanimously approved by the Governments. Not a few Governments, indeed, would even appear to consider that there should be no exceptions to this principle (e.g. Estonia, Great Britain, Greece, Poland, Spain). Such exceptions, moreover, as are proposed by other Governments are confined to one or two special occupations, which are examined separately below.

The only reply which should perhaps be specially noted here, because it appears at first sight to go further away from the general principle than the others, is that of the Finnish Government. This Government, having in mind its own legislation, considers that the Draft Convention should be limited to *commercial establishments, warehouses and offices*, and that other occupations should be dealt with in the Recommendation.

It is not clear, however, exactly how far this reply is intended to go in the way of exclusion from the Draft Convention. In any case, there is little doubt but that it is not intended to exclude, for example, employment in theatres, in certain forms of street trading, or in

serving customers in hotels, restaurants, cafés, etc., as in its replies to later Questions in the Questionnaire the Finnish Government is expressly in favour of including these occupations in the international regulations. For the rest, it would appear that the occupations which the Finnish Government has more particularly in mind are very largely, if not fully, covered by the proposals of other Governments which are considered below for excluding inland navigation and fishing, private domestic service and sick nursing.

(b) *Exclusion of particular occupations* — As just noted, apart from any other possible implications of the Finnish reply, the only exceptions which are proposed to the general principle as to the scope of the Draft Convention are for excluding inland navigation and fishing, private domestic service and sick nursing.

(1) *Inland navigation and fishing* — As was pointed out in the commentary accompanying the Questionnaire, the Genoa Convention on the minimum age for employment at sea applies exclusively to vessels engaged in maritime navigation, and not to vessels engaged in inland navigation or vessels engaged in fishing. As the Belgian, German<sup>1</sup> and Swiss Governments observe, however, the 'transport of passengers or goods by road or rail or inland waterway' is already covered by the Washington Convention on the admission age for industrial employment (Article 1 (d) of that Convention). For present purposes, therefore, the question at issue may be limited to fishing.

So far as inland fishing is concerned, only two Governments have explicitly referred to this — Germany and Switzerland<sup>2</sup>. Germany considers that it should be included in the new Draft Convention. The Swiss Government, on the other hand, observes that this occupation is classified with agriculture in that country, and proposes

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<sup>1</sup> The German Government deals with the questions of inland navigation and fishing in reply to Question 17.

<sup>2</sup> The Canadian Province of Ontario refers to 'fishing' but it is not clear whether this means inland or sea fishing or both.

that it should either come under one of the previous Conventions on industry or on agriculture or under the new Draft Convention, but that it should be left to each country to decide in which Convention it wishes to include it

The situation as regards the classification of inland fishing is no doubt the same in other countries as in Switzerland. At the same time, the principle on which the new Draft Convention is to be based is to afford protection for all children not already covered by previous Conventions, and children employed in inland fishing should accordingly on *à priori* grounds be included in the new Draft Convention, as there are no specific proposals in the replies of the Governments for excluding it. This need not, however, cause any difficulties to countries like Switzerland, as it will be open to them, under a provision to be considered later requiring the competent authorities in each country to define the line of division between the scope of the new Draft Convention and those of the previous Conventions, to include inland fishing in the agricultural Convention if they so desire. In any case, so long as inland fishing is not specifically excluded from the new Draft Convention, it will either, by virtue of the general principle of the scope of the new Draft Convention, be included in it, or, by virtue of the clause as to the definition of the line of division between the new draft and previous Conventions, be included in the Minimum Age Convention for agriculture.

As regards sea fishing, this is referred to by Belgium, Brazil, Germany, Norway and Sweden<sup>1</sup>. Of these the German reply appears to consider deep sea fishing to be already covered by the Genoa Minimum Age Convention, while Belgium on the other hand takes the view that sea fishing as a whole is outside this Convention. In any case, Belgium, Brazil, Norway and Sweden propose that sea fishing should be excluded from the new international regulations contemplated for non-industrial occupations, on the grounds (Belgium, Norway, Sweden) that this question should be dealt with in accordance with the special procedure of the Organisation

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<sup>1</sup> Cf footnote on the previous page as regards Ontario

for considering maritime questions separately from the problems of employment on land. It may perhaps be assumed that, whatever be the correct interpretation of the Genoa Convention, the German Government would also take the same view.

The principle at the basis of the new Draft Convention, of furnishing as wide protection as possible for all children not hitherto protected by the international Conventions, would no doubt make it desirable to include children employed in sea fishing also in the new regulations. As the above-mentioned Governments observe, however, the Organisation has developed the tradition of not dealing with maritime problems in the same international regulations as problems affecting workers on land. Children employed in sea fishing may accordingly be reserved for a later session of the Conference which would give special consideration to the problem of working conditions in the sea fishing industry.

(ii) *Private domestic service* — A number of Governments in their replies to the questions on the scope of the Draft Convention have expressed the view that private domestic service should be excluded. As, however, the Questionnaire contained a special Question on this point (Question 13) and the replies to that Question give a clearer idea of the position of the Governments as a whole, it will perhaps be preferable to defer consideration of this point till Question 13 is reached.

(iii) *Sick-nursing* — The exclusion of this occupation from the Draft Convention is proposed by the Swiss Government, on the grounds that it is a controversial question in that country whether the power to legislate on this occupation rests with the Federal Government or with the Cantons. The Finnish reply noted above presumably also intends to exclude this occupation. As, however, this point has not been raised by any of the other Governments, it seems difficult at this stage to make a total exemption for the occupation in question. For the present it would appear, in the light of the replies as a whole, that the needs of this occupation might be satisfactorily met if, while being included in the scope of the Draft Convention, it had the benefit of the special



provisions to be made in the draft for employment in light work outside school hours (cf Questions 6 and following)

*Employment in connection with religious services* — The German Government observes that it takes it for granted that the occupation of children in connection with religious services is not to be covered by the Draft Convention

It is a question whether this category of activity can really be regarded as a form of "employment" in the sense in which the expression is usually employed in labour legislation. From this point of view alone, apart from any other, an express exclusion of this activity from the Draft Convention would hardly appear to be necessary, and it may perhaps be assumed that the other Governments generally would agree that the activity in question is in any case outside the Convention

*Definition of "employment"* — In a similar connection, one or two Governments raise the question as to what is to be considered to be "employment" or "work" of children for the purpose of the international regulations. Thus, Norway and Sweden consider that the Draft Convention should only apply to "professional" work, which Sweden defines as "more or less regular and active work" and which in its view would, for example, distinguish domestic work not done for an employer operating with a view to commercial profit from domestic work in hotels, boarding houses, cafés, restaurants, etc. Austria, again, observes that the expressions "employment" or "work" might cover only remunerated work done on the basis of a contract of employment or also work performed on some other basis of duty or relationship (e.g. work done at home by children for their parents, as where the parents are home workers or run a home industry), or, again, might apply only to regular work or also to occasional and isolated services. This Government accordingly replies to the Questionnaire on the footing that "employment" or "work" only refers to the remunerated occupation of children other than the employer's own in work of any kind or to the regular

occupation of such children even if not specially remunerated

So far as the above observations relate to private domestic service or to employment in family establishments, they will be dealt with later on in this chapter in connection with the special Questions in the Questionnaire bearing on these two points (Nos 12 and 13), and the solutions to be proposed there on these points in the light of the replies as a whole may perhaps meet the principal considerations which these Governments had in mind in raising the point at present under consideration. For the rest, though not only the three previous Minimum Age Conventions but a considerable number of the other Conventions use the expressions "employment" and "work" without any definition, the Office is not aware that the absence of a definition has caused any special difficulties in the application of these Conventions. Moreover, any such definition for international purposes would not only be difficult to frame and might lead at the Conference to long theoretical discussions out of all proportion to any real practical needs, but might also be dangerous in its ultimate effects.

For these various reasons, and in view of the fact that none of the other Governments, in spite of their experience of existing Conventions, have attached any importance to the point, it is proposed for the present to use the expressions in question in the new Draft Convention without any amplification.

## (2) *Method of drafting the scope* (Question 3)

(a) *General principle.* — The question here was whether, for the purpose of drafting, the actual scope of the Draft Convention as determined above should be defined by a *general formula* to the effect that it includes all occupations other than those already dealt with by the three previous Conventions (and subject, of course, to the exclusion of particular occupations — e.g. private domestic service), or whether it would be preferable to give in the draft a *list* of the specific categories of occupations included.

On this point the replies leave little doubt as to the course which should be proposed to the Conference.

The only Governments which would prefer the direct method of specifying broad groups of occupations are Finland and France. Finland, in accordance with its view that the actual scope of the Draft Convention should be limited to employment in commercial establishments, ware-houses and offices, considers that the same method of defining this scope should be followed as in the Convention concerning the regulation of hours of work in commerce and offices (Fourteenth Session of the Conference, 1930). In any case, in this Government's opinion, the scope should be defined independently and without any direct reference to the previous Conventions. France, while considering it preferable on general grounds to define the scope by specifying the categories of establishments or occupations to which the regulations are to apply, on the analogy of previous Conventions, would not appear to press this view, but considers that, by whatever method the scope is defined, the new Draft Convention should in any case apply to children employed in commercial and trading establishments of all kinds, mixed commercial and industrial establishments which are not deemed to be industrial and subject to the Washington Convention, establishments and administrative services in which the persons employed are mainly engaged in office work, the liberal professions and street trading.

The Brazilian Government proposes a compromise between the two alternative methods of drafting, i.e. to use a general formula but at the same time to supplement this by a list of certain broad groups of occupations. This list, however, is somewhat different from the list given in the French reply in that it does not refer to the liberal professions but includes places of public amusement, establishments for the treatment of the sick, etc., occupations dangerous to the life, physical, mental or moral development of children, and a residuary group comprising any other non-specified occupations which would be covered by the general formula.

The other Governments as a whole appear to be agreed that, as a practical proposition, it would be out of the question to endeavour to draw up for insertion in the Draft Convention an international list of the "non-industrial" occupations to be covered which would be

applicable to all countries and which would be free from omissions, or, in view of the variety of the occupations in question, to arrange them in groups. In the view of nearly all the Governments, therefore, the only practicable solution is to employ a general formula which in effect would define the scope of the new Draft Convention by reference to the three previous Minimum Age Conventions.

On general grounds no doubt certain considerations can be urged against the method of "legislation by reference" and in favour of making a Convention as a rule a complete whole in itself, so that there is no need to look beyond its four corners for ascertaining its full effect. As the Danish Government suggests, however, in the case of the new Draft Convention on "non-industrial" employment the definition of its scope by reference to the three previous Conventions dealing with employment in industry, agriculture and at sea should not cause any serious difficulties in practical application, seeing that the scopes of the other Conventions are themselves clearly and distinctly delimited. The method of the general formula referring to the scopes of the other Conventions would thus not only be simpler but also would actually be clearer for international purposes, besides avoiding the disadvantages resulting from a list which could hardly help but be incomplete for many, if not most, countries and would so leave free from the application of the new Convention occupations which it was really intended to include.

(b) *Definition of the line of division* — In case the Governments accepted the method of the general formula referred to above, they were asked whether, on the analogy of the Washington Minimum Age Convention (Article 1, last paragraph), the new Draft Convention should require the competent authorities in each country to define the line of division which separates the "non-industrial" occupations to be included, on the one hand, from the employments in industry, agriculture and at sea covered by the existing Conventions, on the other. Such a clause would be the logical complement to the method which it is proposed to adopt for defining the scope of the Draft Convention, and would have the effect

of making the competent authorities in each country responsible for deciding, for example in doubtful or border-line cases, whether a particular occupation in that country was to be treated as "non-industrial" and so coming within the scope of the new Draft Convention, or as belonging to one of the other existing Conventions. In the case of a country which ratified the new Draft Convention and the previous Conventions the clause would ensure that all occupations, except those specifically excluded from them, would be covered by the one or the other set of international regulations.

The replies on this point do not call for any detailed analysis. The Canadian Province of British Columbia has returned a negative reply, without any comment, and Japan has not specifically referred to the point, but the other Governments appear to be generally agreed that a clause on the lines contemplated in the Question should be included in the new international regulations.

(c) *Consultation of employers' and workers' organisations* — This last point put to the Governments on the scope of the Draft Convention was whether the draft should require the competent authorities, before defining the line of division referred to above, to consult the employers' and workers' organisations concerned.

The position of the replies on this point appears to be as follows.

(1) The replies of Germany, Switzerland and of the Canadian Provinces of British Columbia and Saskatchewan are in the negative. The German Government proposes that the question whether and to what extent consultation of the organisations concerned should be necessary would be better dealt with in the Recommendation rather than in the Draft Convention. The Swiss Government is of opinion that the point is a matter of internal administration, that each State should be free to decide whether it will consult the organisations concerned, and that the Draft Convention should certainly not require such a consultation in particular cases but could at the most only do so with reference to the general line of division.

(ii) Brazil and Luxemburg do not appear to contemplate an absolute rule, but only consultation in certain, e g doubtful, cases

(iii) The replies of Austria, Great Britain, Japan and Uruguay make no specific reference to the point, and it is thus not clear what is their attitude towards it

(iv) The other Governments have either specifically replied in favour of the insertion in the Draft Convention of a rule on the lines contemplated, or are perhaps to be assumed, from the general indications in their replies, to share this view

There thus appears to be a considerable majority of the replies which consider that the Draft Convention should lay down a rule of the nature referred to in the Question, though perhaps if all the replies were explicit on the point the position in favour of transforming the Question as it stands into a clause in the Draft Convention might not be so strong. In any event, it may be safely assumed that the principle of the Question is not opposed by the overwhelming majority of the Governments. It would, indeed, hardly seem possible in practice for a Government in all cases to settle the line of division separating the occupations covered by the new Draft Convention from those already covered by the previous Conventions without some degree of direct or indirect consultation of employers and workers. Besides, it has to be remembered that the Question only referred to "consultation" beforehand, and leaves each Government free to decide to what extent it will take account of the results of the consultation, results which, moreover, may differ with the individual position of the organisations concerned. The Governments would also, of course, be free to decide in what form the consultation should take place. Perhaps, however, it might be too burdensome on the Governments to require them to consult *all* the organisations of employers and workers concerned, as the actual wording of the Question might be construed to imply, and the consultation might perhaps for practical reasons be limited to the *principal* organisations of employers and workers. This limitation

would give a still further measure of discretion to the Governments, to which it would of course be left to determine what were the principal organisations. With this attenuation a clause on the lines contemplated in the Question might be acceptable to an even greater majority of the Governments, and this form will accordingly be used in the draft to be submitted to the Conference.

To sum up, then, on the question of the scope of the new international regulations, it is proposed, on the basis of the preceding review of the Governments' replies, to take account of the following points in the Office's draft for a Convention.

(1) That the draft is to apply to all occupations not already covered by the three previous Minimum Age Conventions,

(2) That this scope is to be defined by a general formula on the lines above indicated,

(3) That the competent authority in each country is to define the line of division separating the occupations thus to be covered by the new Draft Convention from those already dealt with in the three existing Conventions,

(4) That before defining this line of division the competent authority is to consult the principal organisations of employers and workers concerned,

(5) That the draft does not apply to sea fishing (the question of private domestic service being reserved for special consideration later).

### *Title of the Draft Convention*

In connection with the above proposals on the scope of the Draft Convention, it may be noted that the German and Swiss Governments would prefer not to use the word "occupations" but "employment" or "work" instead in the title of the Draft Convention, and presumably also, if the occasion arises, in the body of the draft.

The German Government observes that 'employment' or 'work' would have a wider range than

"occupations" and would cover activities which could hardly be regarded strictly as occupations, e.g. cases where children with or without the knowledge of their parents offer their services as porters, guides, for looking after motor cars left standing in the street, etc, or are engaged in odd jobs at skittle alleys, sports grounds, etc. And the Swiss Government points out that the three existing Minimum Age Conventions are not based on the criterion of occupations

The Swiss Government further considers the word 'non-industrial' inapt for the purpose for which it is intended to be used for the Draft Convention, and suggests that the title of the draft would be less misleading if it referred to "the age of admission of children to commercial and other non-industrial employment"

So far as the proposal to avoid the use of the word "occupations" is concerned, the Office considers that this would be more in harmony with the basis on which previous Conventions have been framed. It also views with interest the Swiss idea of giving in the title of the new draft some indication of the sense in which the word "non-industrial" is intended, but it is doubtful whether the actual proposal made would in effect remove the main ambiguity of the word, the real objection to which is that it may be understood to include agriculture. This possible ambiguity admittedly exists, but it hardly seems practicable to avoid using 'non-industrial'. However, having regard to the titles of the three existing Minimum Age Conventions and to the fact that the scope of the new Draft Convention is to be defined by reference to them and so as to complete them, the practical objections to "non-industrial" may not be so serious after all. The Office accordingly proposes to refer in the title of the draft simply to "the age of admission to non-industrial employment", and to use "employment" in the body of the draft instead of "occupations"

### III

#### GENERAL MINIMUM AGE (Questions 4-5).

In this section the Questionnaire entered upon the consultation of the Governments as to the positive regulations to be laid down on the age of admission as such to the non-industrial occupations to be included in



the scope of the Draft Convention. The plan contemplated for these regulations was that they should be based on the fixing of a general minimum age which would be applicable to the occupations concerned as a whole (Questions 4-5), subject to such exceptions for "light work" under this age as might be allowed in certain conditions (*post*, Questions 6-10) and to such special treatment as might be reserved, by way of a different admission ages or ages or otherwise, for certain particular occupations or categories of occupations (e.g. *post*, Questions 13-16).

The Governments were accordingly consulted in Questions 4 and 5 on the following points relating to the fixing of a general minimum age

- (a) The principle of laying down such an age,
- (b) Whether this age should be fixed at 14 years,
- (c) Whether the general minimum age should coincide with the school-leaving age in countries where the latter is higher than 14 years, and
- (d) Whether the general minimum age should be laid down as an absolute rule prohibiting employment under that age not only during school hours but also outside school hours

(a) *General principle* — The only reservations to the principle of fixing in the international regulations a general minimum age for the admission of children to non-industrial occupations are contained in the replies of Bulgaria, Cuba, and the Canadian Province of Saskatchewan

Bulgaria proposes that instead of fixing a specific age only general provisions should be laid down, e.g. that the minimum age should correspond with the school-leaving age, but, as has been noted earlier in this chapter (p. 168), later expresses the view that the minimum age for European countries at any rate should be 14. Cuba and Saskatchewan would leave the determination of the age to the competent authorities in each country, for legal and physiological reasons (Cuba) but so as to correspond with the school-leaving age (Saskatchewan)

The other Governments, presumably recognising that a Draft Convention which simply left this fundamental point to each country, even with the stipulation that the minimum age was to coincide with the national school-leaving age, might fail of its object as an adequate international solution of the item on the Agenda, have no doubt but that it is essential to prescribe a definite figure for a general minimum age

(b) *Minimum age of 14 years* — On this point, too, there is an overwhelming majority of the Governments, in favour of fixing the general minimum age at 14 years, though there are a few more reservations and special observations to be taken into account

The replies, excluding the three dealt with above, may be grouped as follows (i) those which propose a lower age than 14, or which accept 14 years in principle subject to allowing a lower age for certain countries, (ii) the British Government, which proposes a different system from that contemplated in the Questionnaire, and (iii) those which unreservedly accept 14 years

(i) The first group includes the replies of Brazil, Hungary, Portugal and Spain. Portugal proposes that the age for that country should be 12 years<sup>1</sup>, in view of its special conditions and its existing compulsory education system. Brazil, Hungary and Spain, while accepting 14 years for general application, consider that as an exception a lower age, e.g. 12 years, should be fixed (Hungary and Spain) for countries where compulsory education ends at such a lower age, or (Brazil) for countries with a hot climate where children mature more quickly, or (Brazil) that the age should be between 12 and 14 for tropical and sub-tropical countries where there are considerable differences of latitude and altitude and corresponding varieties of climate. The Spanish Government further suggests that the exception it has in view might be permitted for a transitional period of

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<sup>1</sup> In its reply to Question 21, asking for special treatment under paragraph 3 of Article 405 of the Treaty

five years, so as to allow of the adaptation of the school-leaving age to the general admission age of 14 years<sup>1</sup>

(ii) The British Government considers that, in view of the difference between the nature of the employment covered by the Washington Minimum Age Convention and that of the non-industrial occupations to be included in the new regulations, the analogy of the Washington Convention, which fixes an absolute rule of 14 years, should not be pressed too closely for non-industrial employment. In its view there is a variety of non-industrial employments of a light character which are not necessarily unsuitable for children even of school age, and it would be unreasonable to prohibit absolutely the employment of children under 14 in such occupations. Instead, however, of laying down the rule of 14 years, even subject to exceptions, which the Government considers would be difficult to determine and might result in leading to the employment of very young children in these light employments, unless some provision were made in the Draft Convention to prevent this, the British Government would prefer to prohibit employment absolutely, say under 12 years and to provide for the strict regulation of employment between that age and the school-leaving age, the nature of such regulation to be left to the competent authorities but the Draft Convention perhaps laying down general principles (e.g. that there should be no harmful effect on the child's health, education or morals and no undue interference with his leisure)

(iii) All the other Governments are agreed that the general minimum age should be fixed at 14 years, subject in most cases to such exceptions as may be allowed under later Questions, e.g. for light work outside school hours (Questions 6-10, *post*, p. 191). Austria, Belgium, the Canadian Provinces of British Columbia<sup>2</sup>, Manitoba, and Ontario, Chile, Denmark, Estonia, Finland, France<sup>3</sup>, Germany, Greece, Irish Free State, Italy, Japan, Latvia,

<sup>1</sup> Cf. also the French reply to Question 21 where the French Government makes similar proposals to those referred to in this paragraph

<sup>2</sup> British Columbia in fact proposes 15 or 16 years

<sup>3</sup> Cf. first footnote above

Luxemburg, Netherlands, Norway, Poland, South Africa<sup>1</sup>, Sweden, Switzerland, Uruguay, Yugoslavia

The position of the replies would thus appear to leave little doubt but that it should be proposed to the Conference to base the Draft Convention on a general minimum age of 14 years. So far as the system proposed by the British Government is concerned, it may be noted here in advance that the great majority of the Governments have in their replies to subsequent Questions supplemented their above replies on the general minimum age by proposing, or expressing their willingness to agree, that this age should not be laid down as an absolute rule so as to prohibit any non-industrial employment of children under 14, but that light employment outside school hours should be permitted under that age. It will be found later, too, that it is to be proposed to define light employment on the lines of the general principles which the British Government suggests might be laid down for the regulation of employment between 12 and the school-leaving age (i.e. that there should be no harmful effect to health, education, morals, etc.). The effect of the system to be eventually proposed for the Draft Convention would thus very largely correspond with that of the system preferred by the British Government, except in regard to the point whether an age lower than 14, e.g. 12 years, should be fixed for the absolute prohibition of any employment of children, even light employment, under such age. This point, which the Office views with great interest, will be considered further in the review of the replies on the question of light employment (cf *post*, p. 192).

The other general question raised by the replies is whether any special provision should be made in the Draft Convention, on the lines of the proposals made by Brazil, Hungary, Portugal and Spain, for countries where the school-leaving age is less than 14 (e.g. 12 or 13) or for countries with certain climates. Here again these countries may perhaps find that the proposals to be made later for allowing light employment outside school

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<sup>1</sup> South Africa considers that provision should be made for exemptions from the minimum age of 14 in special circumstances but does not indicate what circumstances it has in mind.

hours for children under 14 may give them satisfaction, for such proposals would of course be applicable to children who had already left school but had not yet reached the age of 14. Failing this, it may perhaps be left to the Conference to consider the proposal of the Spanish Government to allow the general minimum age to be 12 or 13 years for these countries during a transitional period of, say, 5 years.

It remains to add that the German Government, while accepting 14 years, considers that an exception would be necessary for Germany in order to permit the employment of children who in fact complete their compulsory education and leave school some few months before actually reaching the age of 14. Such cases no doubt arise in other countries, too, as it is not uncommon for education legislation to exempt from further school attendance children who are still somewhat under the prescribed school-leaving age but who, owing, for example, to their ability or even simply to the chance of the relation of the date of their birth to the school year, have already completed their school course. It would seem, however, that these exceptional cases, too, of children who are no longer required to attend school would be sufficiently met by the provisions to be considered later for allowing light work under 14 outside the hours of school attendance.

(c) *Admission age where the school-leaving age is higher than 14* — On the question whether it should be laid down that in countries where the prescribed school-leaving age is higher than 14 the general minimum age of admission to non-industrial employment is to coincide with such higher age, the replies of the Governments appear to be almost unanimous, as a number of Governments which made reservations on the two points just dealt with above (e.g. Bulgaria, Cuba, Hungary, Saskatchewan) based those reservations on the general principle that the admission age should coincide with the school-leaving age, and thus expressly or impliedly accept the present question.

It is true that Japan and Uruguay do not specifically express an opinion on the present point, that Chile would leave national laws or regulations to settle the

relation between the school-leaving age and the age of admission, that Brazil considers that a requirement such as is contemplated would probably cause considerable difficulties for certain countries, and that France would prefer to adhere to the general rule of 14 years in the interests of uniformity and points out that this rule will be only a minimum and will not, under paragraph 11 of Article 405 of the Treaty, require any country to diminish the protection already afforded to its workers by its existing laws or regulations.

On the other hand, certain observations contained in one or two other replies would appear not to be really objections to the principle involved. Thus when Spain gives a negative answer to the Question but adds that measures should be taken to ensure that the employment of children over 14 does not prejudice their attendance at school, it is in effect suggesting that the provisions to be considered for allowing light employment outside school hours should apply to such children equally with children under 14. The Finnish Government is practically making the same suggestion when it expresses the view that an admission age above 14 should be fixed to correspond with a higher school-leaving age only where the school hours occupy so large a part of the day that the child would not have sufficient time left in which to carry on paid employment. Further, when Sweden observes that the school-leaving age may not be a fixed quantity for all children but depend on whether the child has passed certain tests, etc. irrespective of his actual age, and so may vary for individuals, and that it would therefore be preferable to supplement the general minimum age of 14 simply by prohibiting the employment of children over that age so long as they are still required to attend school, Sweden appears to accept the principle on which the Question put to the Governments was based.

Finland, Spain and Sweden may accordingly be included with all the other Governments, which appear to be agreed that, if the general prohibition of non-industrial employment under 14 is laid down, this should extend to children over 14 who are still required to attend school, subject of course in both cases to the reservation of the question of light employment outside school hours.

It may be added that, as, in view of the replies as a whole on the points just dealt with above, it should be proposed to the Conference that, for the purpose of the general minimum age, the new Draft Convention should apply to children under 14, as well as to children over that age who are still required to attend school, this may automatically give satisfaction, so far as the general minimum age is concerned, to a desire expressed by the German Government (in reply to Question 1) to insert a definition of "children" on these lines in the Draft Convention

(d) *Effect of the general minimum age* — There naturally appears to be no opposition in the replies of the Governments to the principle that the employment of children should be absolutely prohibited during the hours when they are required to attend school, and that the fixing in the international regulations of a general minimum age of admission to non-industrial employment should have the effect of an absolute rule at any rate to this extent

On the other hand, the position of the replies is quite different as regards employment outside school hours

Some Governments do indeed propose that the employment outside school hours of children under the general minimum age of 14 years should be prohibited on the same footing as employment during school hours, e.g. the Canadian Province of British Columbia, France, Poland, South Africa and Uruguay. Belgium is also in favour of this rule as far as that country is concerned, though prepared to allow exceptions in the interests of conditions in other countries. Similarly, Hungary would prefer an absolute rule, provided that a lower minimum age of 14 years is allowed for countries where compulsory education ends before 14 (*cf ante*, p 185), but this absolute rule not to apply as regards children over 14 who are still required to attend school. France and Uruguay, in their replies to the following Question (No 6 below), emphasise that experience shows that exceptions of the kind contemplated in that Question even for light employment outside school hours are difficult to supervise and open the way to deception and abuse

So far as the other replies are concerned, however, though a number of them are in favour of the principle

of the prohibition of the employment of children under the general minimum age outside school hours, they do not consider that this prohibition should be laid down absolutely. In their view there are among the many and varied categories of employment to be covered by the international regulations certain light employments in which children under the general minimum age may suitably be occupied outside school hours, without prejudice to their physical, mental or moral development or to their attendance at school, and the international regulations should make allowance for this.

In effect, therefore, the great majority of the Governments take the view that the new regulations should not follow the strict analogy of the Washington Minimum Age Convention, which absolutely forbids industrial employment under the age of 14, but while applying that principle as far as possible should allow some latitude in order to meet the difference in the nature of the employments to be covered as compared with those subject to the Washington Convention.

#### IV

##### LIGHT EMPLOYMENT OUTSIDE SCHOOL HOURS (Questions 6-10)

Certain references have already had to be made above, in the review of the question of the general minimum age, to the subject of this next section of the Questionnaire. This section, however, consulted the Governments not only on the principle of light employment outside school hours for children under the general minimum age, but also on the definition of such employment, the preliminary conditions to be fulfilled before children are admitted to it, the limitations to be placed on it on school days and school holidays, its prohibition or special limitation on Sundays or legal public holidays, and its absolute prohibition during the night.

##### *Principle and definition of light employment (Question 6).*

So far as the principle of light employment outside school hours is concerned, it has just been seen above that a few Governments would prefer to have the general



minimum age laid down as an absolute bar to any employment, whether light or otherwise, for children under that age, but that the other Governments consider that allowance should be made for the principle of light employment outside school hours in the new international regulations. As the position of the replies on this principle as such has already been sufficiently noted in the connection referred to above and there is so large a majority in favour of it, it is proposed to incorporate the principle in the new Draft Convention, it being understood, of course, as suggested earlier in this chapter (cf pp 187-8) that it can apply to children who are allowed to leave school before reaching the minimum age of 14 equally with children who attend school up to that age.

The chief point for present consideration, accordingly, apart from the definition of light employment, is whether, as Austria, Brazil, Chile, Denmark, Germany, Great Britain, Greece and Italy suggest<sup>1</sup>, a special minimum age below 14, which Austria, Brazil, Chile, Denmark, Germany, Great Britain and Italy propose should be 12 years and Greece 10 years, should be fixed for admission to light employment outside school hours, so as to prohibit absolutely any non-industrial employment whatever of children under that age. This point would appear to be one which well merits the sympathetic and close consideration of the Conference, as a means of preventing the employment of school children of very tender years. It would strengthen the Draft Convention very considerably, corresponds to a principle embodied in many national legislations, and might thus be acceptable to a number of other Governments which have replied to the Questionnaire, apart from those which are in favour of prohibiting even light employment under the general minimum age of 14. However, in the absence of definite indications on the point in the replies of so many Governments, the Office considers for the present that the provision suggested should be included in the Recommendation and that it should be left to the Conference to consider whether this provision could be transferred to the Draft Convention. In considering this question the

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<sup>1</sup> Denmark and Greece make the proposal in reply to Question 7 and Chile in reply to Questions 8.

Conference, if it could not secure a two-thirds majority for the figure of 12 years, might at any rate perhaps be able to reach general agreement of the Governments on a lower figure, e.g. 11 or even 10 years, which in itself would be an addition of great value to the Draft Convention.

As for the definition of light employment, only a few Governments have given specific examples of the kind of employment they have in mind. Denmark would confine light employment to the work of errand boys, the only exception allowed by Danish legislation, and the Netherlands to work which is more or less of the nature of domestic work and which, for preference, is only done in the establishment of the child's own parents or guardians. Other occupations in addition to these, however, are mentioned by the other Governments which give examples, and include the following: the picking of fruit, berries, hops, flowers, distribution of papers, pamphlets, etc., delivery of milk, goods and parcels, shoe blacking, odd jobs at sports grounds (picking up tennis balls, golf caddying<sup>1</sup>) and other light work in the open air, nursing<sup>2</sup>, cleaning and tidying work, etc. In any case, all the Governments seem to be agreed, with the exception of Yugoslavia, that no international list of the types of light employment could or should be given in the Draft Convention, which in their view should at the most contain a definition of light employment in general terms and then leave it to the competent authorities to determine the specific categories of such employment to be allowed in their respective countries. In such case, however, the Belgian Government suggests that the competent authorities should consult the employers' and workers' organisations concerned before determining the specific categories of light employment, while Belgium, Norway and Sweden further propose that the discretion to be left to the competent authorities should be supplemented by the requirement that the States Members should give particulars of their determinations in their annual reports under Article 408 of the Treaty.

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<sup>1</sup> But see the French reply on this point under Question 15.

<sup>2</sup> Cf. on this point the reference made to the Swiss Government's reply, *ante* p. 175.

In the light of these replies the Office proposes to give in its draft for a Convention a general definition of light employment. This definition would endeavour to give effect to certain broad principles suggested in the Governments' replies, viz that light employment outside school hours should not be dangerous, should not be harmful to the child's health or his physical, mental or moral development, and should not unduly interfere with his leisure or be such as to prejudice his attendance at school or his capacity to benefit by the instruction given to him. The draft would then expressly leave it to the competent authorities to determine the specific forms of light employment which might be allowed on the basis of such a definition, but at the same time endeavour to give the ratifying countries certain guarantees in advance for the application of the Convention in each other's country by requiring each country to give particulars of its determinations in its annual report under Article 408.

With a further view to ensuring as uniform application of the Draft Convention as possible, the above provisions of the draft might be supplemented in the Recommendation by the mention of certain examples of light employment which might be contemplated, e.g. running errands, distribution of newspapers, employment in certain jobs at sports grounds in connection with the playing of games or the practice of sport, the picking of fruit or flowers, and by the further proposal that before applying the definition of the Draft Convention the competent authorities should consult the employers' and workers' organisations concerned.

*Preliminary conditions to admission to light employment*  
(Question 7)

The Question here was whether the Draft Convention should leave it to the competent authorities in each country to settle the preliminary conditions to be complied with as safeguards for children under the general minimum age before they are admitted to light employment outside school hours, and what particular conditions might be taken into consideration in this connection (e.g. consent of parents, medical certificate, etc). In this form the

Question itself thus did not contemplate that the Draft Convention should go too far into detail on the present point, but rather that, if the draft left it to the competent authorities in each country to determine the categories of light employment, it might also leave the competent authorities to fix the safeguards to be required prior to admission to the categories of employment so determined.

This at any rate is the footing on which the great majority of the Governments have replied to the Question. All of them appear to be agreed that as a general rule children should not be allowed to take up light employment outside school hours until certain guarantees are given that the particular forms of employment contemplated will not be unsuitable for them or likely to interfere with the continuance of their education, in accordance with the principles of the definition to be proposed for light employment. Most of the Governments, moreover, indicate the preliminary conditions which they have in mind as likely to furnish some of the guarantees which might be required. These conditions include the following: *consent of parents or guardians*, which is mentioned by some twenty of the Governments as essential in most cases, *medical certificate of physical fitness* for the employment contemplated, which is also proposed by some twenty of the Governments, at any rate for some forms of employment (Spain) or for more or less regular employment lasting any considerable length of time (Austria, Denmark, Finland, Norway, Sweden), *consent or previous consultation of the school authorities*, which is referred to by some seven or eight Governments, *official verification of some urgent reason requiring the child to work*, e.g. the poverty of its parents (Hungary), *the adoption of some system of registration*, and *the issuing of employment cards* giving particulars relating to the child and the times between which employment is permitted (Great Britain), or a permit from the competent authorities (Greece).

Very few Governments, however (e.g. Italy, Denmark), actually propose that any specific conditions should be laid down in the Draft Convention as rules intended for universal application. Italy considers that the Draft Convention should prescribe medical supervision of physical fitness, while Denmark, which it will

be remembered, however, would limit light employment to the running of errands, proposes that the Draft Convention should require consultation of the school authorities and consent of the parents, as well as a medical certificate in certain cases

Apart from such individual proposals, it appears to be considered by the Governments generally that, as the particular forms of light employment which may be determined by each country will probably vary to a greater or lesser extent from country to country in accordance with national conditions, there would be thus no fixed common basis on which the preliminary conditions to be complied with before admission to light employment as a whole could be laid down for all countries. Moreover, as some Governments suggest, the same conditions need not necessarily be prescribed for all forms of light employment even within one and the same country — the conditions for some might require to be stricter than for others.

In these circumstances it is proposed to include a clause in the draft for a Convention to be submitted to the Conference requiring each country to fix the preliminary conditions to be fulfilled before children under the general minimum age are admitted to light employment outside school hours. As the German Government suggests, however, this discretion should not be left entirely to the competent authorities in the sense of local authorities. No doubt some latitude is necessary in order to allow for special local circumstances inside one and the same country, but the duty of laying down the preliminary conditions or at least the principal provisions governing them should fall on national laws and regulations for the purposes of an international agreement. It is accordingly proposed to specify in the Draft Convention that the preliminary conditions in question are to be fixed by national laws or regulations.

To complete these provisions the Recommendation might then give the chief examples taken from the Governments' replies of the conditions which should be borne in mind — consent of parents, medical certificate and in certain cases consultation of the school authorities. To these should perhaps be added, as a further condition, the British proposal for some system of regis-

tration and employment cards, which might be included in the Recommendation either in connection with the present question or in connection with measures for facilitating the enforcement of the regulations to be prescribed in the individual country

*Preliminary observations on Questions 8-10*

The three following Questions on light employment outside school hours relate to matters affecting the regulation of such employment after children under the general minimum age have been admitted to it — i.e. limitation of the number of hours of light employment in the day, prohibition or special limitations on Sundays and legal public holidays, and prohibition of light employment during the night

At first sight these matters might appear to go beyond the range of the item on the Agenda of the Conference, which explicitly refers to the *age of admission* of children to non-industrial employment. This view is taken by the Italian Government, which, though on general grounds favourable to the objects which these Questions have in view, also draws attention to the fact that no provisions on these matters were included in the three previous Minimum Age Conventions and that the subjects of hours of work and the night work of young persons have hitherto been dealt with by special Conventions. The Italian Government has accordingly not given any specific replies to the Questions concerned. The Swedish Government also doubts whether these particular Questions are not to some extent outside the scope of the item on the Agenda, but has replied to them and does not propose that they should not be dealt with in the new Draft Convention.

There is, however, another angle from which Questions 8-10 can be viewed. If the Conference allows light employment outside school hours for children under the general minimum age, it will be doing so by way of an exception to the principal rule to be laid down as to the admission age to non-industrial employment. It will therefore be open to the Conference to decide on what conditions this exception is to be permitted, and to endeavour to keep it within certain limits in the interests of international uniformity and effective safeguards for

the children concerned. It will be doing no more than this if it decides, for example, that one of the conditions on which light employment may be allowed is that no such employment shall take place at night or that the number of hours of light employment in the day shall not exceed a certain maximum. These matters are thus incidental to the regulation or definition of the exception for light employment, and from this standpoint it would seem that the Conference would be keeping within the limits of the item on the Agenda. In any case, the other Governments do not seem to share the apprehensions felt by the Italian and Swedish Governments, but have replied to Questions 8-10 on the footing that there is nothing to prevent the Conference considering them with a view to including provisions on them in the new international regulations.

*Limitations on the number of hours of work in light employment (Question 8)*

It would seem that employment outside school hours of a child under the general minimum age who is still attending school could hardly be considered to be "light" employment — which, by definition, is not to interfere unduly with the child's leisure or prejudice his attendance at school or his capacity to benefit by the instruction given to him — if no limitations were placed on the amount of time per day during which the employment could be carried on. Hence the Question whether the international regulations should lay down any, and what, limitations on light employment outside school e.g. by fixing a maximum number of hours of work or by other means, and whether distinctions should be made between (a) days when instruction is given both morning and afternoon, (b) half-holidays, and (c) whole holidays (including school vacations, but excluding Sundays and legal public holidays, which were reserved for a special Question, *post*, p. 201).

Only a few Governments have made detailed proposals in reply to this Question, and these proposals vary considerably. Thus, while Bulgaria, Greece and the Irish Free State would allow no light employment on days when classes are held both morning and afternoon, Belgium, the Netherlands and Austria would allow such

employment for one hour, two hours and three respectively. Germany also mentions three hours, and Brazil would fix the same maximum whether the general practice is for classes to be held twice a day or, as is the case to a large extent in that country, only once a day. On half holidays these same Governments propose the following limitations: Netherlands — four hours, Austria and Germany — three hours, Belgium and the Irish Free State — two hours, Greece — one hour. On whole holidays including school vacations the figures mentioned are: Yugoslavia — six hours during the vacations, Brazil, Netherlands — six hours, Austria, Bulgaria, Germany, Irish Free State — four hours, Greece — three hours on odd days and five hours during the vacations, Belgium — two hours.

Other Governments propose general maxima or general principles. Thus Chile and Cuba propose a general maximum of six hours, including (Cuba) a limitation of three consecutive hours. Other Governments (e.g. Hungary, Luxemburg, Spain) propose that it might be made a general rule that on school days the total number of school hours plus the hours of light employment outside school should not exceed a certain maximum (e.g. 7 hours — Hungary, 8 hours — Luxemburg and Spain), while other Governments again (e.g. Austria, Germany) emphasise the general principles that the limitations on light employment outside school hours should be such as to prevent the employment of children before attending morning school and ensure sufficient rest intervals between morning and afternoon school (Austria, two hours' rest) and (Austria) immediately after afternoon school (e.g., one hour).

For the rest, the Governments are either expressly agreed or may be assumed to agree on the general principle that strict limitations on light employment outside school hours should be prescribed in each country, that these limitations should be so fixed as to give effect to the parts of the definition of light employment referred to above, that they should be fixed in the light of the hours of school attendance so that the total number of school hours and hours of employment in the day do not exceed a certain maximum, and that they should secure sufficient rest intervals to the children between the



hours of school attendance and the times of their employment. In their view, however, conditions are so different in different countries, e.g., as regards the arrangement of school hours and holidays, that it would not be possible to define internationally in the Draft Convention the exact nature of the limitations which should be imposed.

It may be added that it might also be desirable to make certain distinctions in the limitations according to the character of the particular employment concerned and to the age at which the child is allowed to be admitted to light employment outside school hours, and, further, that limitations on the amount of time to be spent in such employment may be effected not only by fixing a definite maximum of hours of work for the whole day but also by specifying the particular hours of the day during which employment would be prohibited, e.g., that there should be no employment before say 8 a.m. or after 8 p.m., etc.

In accordance with the general tendency of the replies, therefore, and in view of the variety of detailed proposals contained in them, it is proposed simply to lay down in the Draft Convention that, in the light of the definition to be given of light employment, national laws or regulations shall, having regard to the hours fixed for school attendance, fix the limitations to be imposed on the number of hours during which children under the general minimum age may be engaged in light employment outside school hours, subject in this case, too, to particulars of the limitations so fixed being given in the annual reports under Article 408.

These provisions might then be supplemented in the Recommendation by the enunciation of the principle referred to above that the limitations to be fixed should be such as to ensure sufficient rest intervals for the children engaged in light employment, between the hours of school attendance and the times of employment or vice-versa, and at any rate to prohibit long periods of consecutive work, without adequate rest. Instead of endeavouring to complete this principle by specifying a maximum or maxima of the hours of light employment, the Recommendation might also suggest that the limitations to be imposed should be such as to ensure that on school days the total number of school hours and

hours of light employment should not in any case exceed seven hours

*Light employment on Sundays and legal public holidays*  
(Question 9)

In distinguishing Sundays and legal public holidays from the other days just dealt with above on which children are not required to attend school, the Questionnaire contemplated that, in view of the general cessation of work on these particular days, the Governments might possibly consider that stricter rules should be laid down for these days than for other school holidays. The Governments were accordingly asked whether the international regulations should entirely prohibit even light employment (and so, *a fortiori*, any other employment) on the days in question for children under the general minimum age, or, alternatively, what special limitations should be prescribed

The Governments' replies fall into three broad groups

In the first group may be included the Governments which do not specifically express an opinion on the merits of the present question but expressly or implicitly prefer to leave its regulation to the individual countries — e.g. Chile, Finland, Japan, Latvia, the Canadian Province of Ontario, Portugal, Switzerland. This does not necessarily imply, however, that these countries are opposed to the principle of the prohibition or special regulation of light employment on Sundays or legal public holidays. Thus, Chile, while observing that there are some forms of light employment which are more available on these than on other days, appears to base its reply rather on the difficulty of defining the exceptions to be allowed to the above principle than on any opposition to the principle itself. Similarly, Portugal is in effect expressing itself in favour of the principle of prohibition at any rate on Sundays when it suggests that in regulating the present point the individual country should observe the provisions already in force in it relating to the weekly rest

The second group would include those replies which are definitely in favour of the principle of prohibiting

even light employment on Sundays and legal public holidays, but consider that some allowance should be made for certain necessary exceptions, which they consider, however, should be closely limited, e.g. Brazil, Denmark, Germany, Luxemburg, Norway, Sweden. Thus, Brazil and Denmark appear to contemplate exceptions only for such essential services as the delivery of milk or other foodstuffs, e.g. (Brazil) up to 10 a.m. and for not more than two hours. Germany observes that it would be impossible to dispense with the employment of children in public entertainments on Sundays, but that efforts are made in that country to prevent as far as possible any other employment of children on these days while Luxemburg and Norway would limit exceptions to 'unavoidable work' or "special cases". The British reply also considers that Sunday work should be kept within narrow limits, e.g. two or three hours, but sees no reason for dealing specially with public holidays.

The third group of replies would include those Governments which would appear to be in favour of prescribing the prohibition of light employment on Sundays and public holidays as an absolute rule, e.g. Austria<sup>1</sup> (except for light work in private domestic service<sup>2</sup>), Belgium, Bulgaria, Cuba, Estonia, Greece, Hungary, Irish Free State, Netherlands, South Africa, Spain (on Sundays, work on public holidays to be specially limited by local regulations), Yugoslavia, and the Canadian Provinces of British Columbia and Manitoba.

The position of the replies as a whole has thus abundantly confirmed the suggestion implicit in the Questionnaire that Sundays and legal public holidays (i.e. days which for the purposes of rest from work are more or less assimilated to Sundays) should be treated on a different footing from other school holidays for the purpose of the regulation of light employment outside school hours. This, in fact, could hardly help but be the case, as a not inconsiderable number of light employments in which children might be occupied on other

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<sup>1</sup> The Austrian Government would also include other days which are days of rest according to the child's religion.

<sup>2</sup> Cf. *post* under Question 13.

days would be closed to them on Sundays and public holidays as a result of the general cessation of work which takes place on these days. To this extent therefore the employment of children on these days would automatically be prohibited or narrowly limited in any event.

As to the extent to which the international regulations might go beyond this situation which would exist independently of it in any case, it seems clear, taking the replies as a whole and in spite of the support given to prohibition of light employment under the general minimum age on Sundays and legal public holidays, not only that there can be no possibility of laying down this rule absolutely, but also that it would be equally impossible internationally either to specify the employments which might be allowed on these days or to fix general limitations on light employment as a whole on them by way of a maximum number of hours of work. On the other hand, the general tendency of the replies is definitely in favour of the principle of prohibition as a general rule, subject to exceptions for a limited number of hours of work in certain special or necessary cases, and it would appear that a clause on these lines might well be laid down in the Draft Convention. This clause might perhaps, however, be supplemented by a provision in the Recommendation to the effect that, in the special cases where light employment is allowed on the days in question, not more than three hours' work as a rule should be permitted.

### *Light employment at night (Question 10)*

In this last Question on light employment the points put to the Governments were (1) prohibition even of light employment, (and so, *a fortiori*, any other employment during the night), and (11) the definition of "night", e.g. as the period between 8 p.m. and 8 a.m.

(1) As regards the first point, it would appear on *a priori* grounds that employment of children during the night would in any event be automatically precluded by the definition of light employment which the replies of the Governments have already suggested for international application, viz, employment which is not harmful

to the normal development of children and is not such as to prejudice their attendance at school or their capacity to benefit by the instruction given to them. In any case, whether or not this is the footing on which the Governments have replied to the present point, they appear to be unanimously agreed that even light employment during the night should be prohibited for children under the general minimum age, and that this principle should be written into the international regulations. Most Governments, indeed, seem to consider that this principle should be laid down as an absolute rule for all the employments to be covered by the regulations, while the only possible exception which appears to be contemplated in other replies (e.g., Brazil, Great Britain) relates to the special case of employment in theatres and public entertainments. This special case will be reserved for consideration later under Question 14 (cf. *post*), which specifically consulted the Governments as to the special provision, if any, which should be made for employment in public entertainments generally.

(11) As to the definition of "night", the position of the replies is as follows:

*For 8 p.m. to 8 a.m., the formula of the Questionnaire.* Belgium, Bulgaria, Chile, Estonia, Germany, Greece, Hungary, Irish Free State, Latvia, Canadian Province of Manitoba.

*For a longer period* 6 p.m. to 8 a.m. (Canadian Province of British Columbia) 7 a.m. to 8 a.m. (Netherlands)

*For a different period of twelve consecutive hours* 6 p.m. to 6 a.m. (Brazil, South Africa) twelve hours, including 8 p.m. to 7 a.m. (Denmark) or 8 p.m. to 6 a.m. (Finland) without specification of hours (Yugoslavia)

*For less than twelve hours* eleven consecutive hours including a definite period fixed by national law (Sweden) eleven consecutive hours, including 10 p.m. to 5 a.m. (Luxemburg) 8 p.m. to 7 a.m. (Austria) -ten consecutive hours, including 9 p.m. to 6 a.m. (Spain) 9 p.m. to 7 a.m. (Cuba) 8 p.m. to 6 a.m. (Great Britain, Norway) 10 p.m. to 6 a.m. (Canadian Province of Ontario)

*Leave the definition to national legislation* Switzerland

In view of these divergences in the replies of the Governments it would hardly seem possible to lay down a rigid definition of "night" for universal application. It is clear that some elasticity is required in order to meet, for example, differences in the geographical situation of different countries (and even in some cases of different parts of one and the same country) as well as differences in the seasons of the year. On the other hand, the principle that children under the general minimum age should have twelve or at any rate eleven consecutive hours rest between the termination of their light employment on one day and the beginning of such employment or school on the next day has been approved by the overwhelming majority of the Governments.

Having regard to these two considerations, the Office is of opinion that it should propose to the Conference, as a compromise which it would appear at present might be acceptable to a two-thirds majority of the Governments, that 'night' should be defined in the Draft Convention as a period of at least eleven consecutive hours comprising the interval between 9 p.m. and 6 a.m.

## V

### POSSIBLE EXCEPTIONS AND SPECIAL CASES

#### (Questions 11-18)

In this section the Questionnaire dealt mainly with certain non-industrial establishments or occupations of a special character and consulted the Governments as to whether differential treatment should be reserved for them in the international regulations, e.g. by way of an exception in some cases, or in others by modifying or raising the standard of the rules which have so far been proposed for application to the generality of non-industrial occupations. The establishments and occupations thus singled out with a view to the possibility of some exceptional treatment were technical and professional schools, family undertakings, private domestic service, employment in theatres and public entertainments, dangerous occupations generally, and street trading.

(a) *Technical and professional schools* (Question 11)

On this point the Questionnaire asked in effect whether the work done by children in technical and professional schools should be exempted from the Draft Convention, but only on condition that it is essentially of an educative character, is not utilised for commercial profit, and is approved and supervised by public authority.

There appears to be only one Government (Brazil) which would prefer to include in the Draft Convention the work of children here in question. This Government observes that many technical and professional schools train artisans, shop and office assistants and women workers for feminine occupations, and that, though they are not carried on for the purpose of commercial profit, they nevertheless sell their products to outside customers for the purpose of increasing their revenue and diminishing the charges on the State or other institutions which support them. In its view this latter practice may lead to excesses of zeal and abuse, and it would accordingly be desirable that the rules of the Draft Convention should apply to such schools, it being left to the competent authorities in each country to determine the methods and details of their application. The only schools which this Government does not include in these observations are schools for defective children.

The other Governments appear to be agreed on the principle of the exclusion of technical and professional schools from the Draft Convention, on certain specified conditions, such schools having already been exempted from the three previous Minimum Age Conventions. There are, moreover, only one or two distinctions in the replies as to the conditions which should be imposed. A few Governments, (e.g. Denmark, Finland, Great Britain, Sweden) would appear to prefer to limit these conditions to the single requirement contained in the previous Conventions, viz. that the work done by children in the schools in question is to be approved and supervised by public authority. No special reasons are given in these replies for this preference, and it is thus not clear whether they attach any special significance to the limitation in question. Perhaps the preference may simply be founded on the analogy of the previous Conventions, and may

even imply that since the Question refers to "schools" the other conditions mentioned in it are superfluous, i.e. that the work done by children in them is essentially of an educative character and is not utilised for commercial profit. In any case, a considerable majority of the Governments expressly or impliedly consider that it would be well to specify these two conditions in the new international regulations, in addition to the one already contained in the previous Conventions. After all, the fundamental test as to whether the work in question should be excluded would appear to be that the work is done for training or educational purposes and is not utilised as such for commercial profit. The approval and supervision of the public authorities would come after these conditions were fulfilled, for it can hardly be imagined that the public authority could approve a "school" which did not fulfil them. No doubt, in many cases technical schools dispose of the produce of the work done by children in them, by sale or in some other way; they could in fact hardly do otherwise. But there would of course be no intention to preclude this so long as the work was done for educational purposes and not with a special view to producing articles for sale in the sense in which articles are so produced in an ordinary business undertaking.

Subject to this latter observation the Office proposes to stipulate in its draft for a Convention that the work done by children in technical and professional schools is exempted from the international regulations, on the three conditions specified in the Question.

It may be added, for the information of the Conference, that the French Government has proposed a still further condition, viz. that the hours of work of children in technical and professional schools should not exceed three per day.

#### (b) *Family undertakings* (Question 12).

To the question whether, on the analogy of the previous Minimum Age Conventions relating to employment in industry and at sea, an exemption from the provisions of the new international regulations should be made for undertakings in which only members of the same family are employed, or whether special regulations



should be laid down for such undertakings, the following Governments have replied in favour of including family undertakings in the regulations without the benefit of special provisions. Brazil, Hungary, Irish Free State, Latvia, Netherlands, Poland and the Canadian Province of Manitoba. Of these replies, those of Hungary and Poland emphasise the desirability of treating family undertakings on the same footing as other undertakings, not only in the interests of the children themselves but also in order to prevent inequality in competition between these two categories of undertakings. Brazil, however, recognises that the enforcement of the regulations in family undertakings would present certain difficulties, but considers that the State should be empowered to intervene in cases where abuses are shown to exist.

Great Britain sees no reason for a general exemption from the new Draft Convention of children employed in family undertakings, but considers that some provision should be considered for obviating the hardship which might be caused if children below the general minimum age were prevented from helping their parents in certain seasonal occupations of a light character. Germany, too, takes the view that on general grounds efforts should be made to subject the employer's own children to the same protective provisions as other children, but recognises that in a number of cases certain facilities will have to be allowed for the employment of children in family undertakings, while South Africa considers that as a general principle children under fourteen should not be employed even in families, but that it will be difficult, if not impossible, in practice to stop this.

The other Governments, either expressly or in effect, propose that family undertakings should be excluded from the Draft Convention, chiefly no doubt because of the difficulties of enforcement, though some of these Governments add certain qualifications to their replies. Thus, Finland, France and Yugoslavia would limit the exclusion to undertakings in which only parents and their children are engaged, and (Cuba) to cases where the whole family lives in the same household. Spain and Switzerland, again, make express reservations as regards the exclusion of undertakings which are

dangerous in character or likely to be injurious to the health or morals of children employed in them, in the sense of Question 15

With the replies thus divided and so considerable a balance of opinion in favour of an exemption, it can hardly be hoped to secure a two-thirds majority of the Governments for including family undertakings as a whole in the Draft Convention, in spite of the very considerable gap which an exemption will leave on account of the large numbers of family concerns and businesses among the undertakings and establishments to which the Draft Convention is to apply. On the other hand, it may perhaps be assumed that the Governments generally would agree that family establishments should be treated on the same footing as other establishments in so far as the occupations carried on in them are dangerous in character or likely to be injurious to the health or morals of children, and to this extent they may accordingly be taken into consideration in connection with Question 15, which specifically consulted the Governments on the desirability of special provisions for such dangerous or injurious occupations in general.

It would hardly seem possible either to give a definition of "family" in the Draft Convention as one or two Governments appear to suggest, with the object of confining the exemption for family establishments within narrow limits. Previous experience with attempts to frame such a definition have shown that, in view of the different conditions in different countries, the only course for international regulations is to leave the definition of "family" to each individual country. At the same time, the expression "undertakings in which only members of the same family are employed" might possibly lead to some ambiguity, as it might, if literally interpreted, seem to cover the case of an employer who employed only members of some other family than his own — a case to which it has, of course, never been intended to apply. In order to preclude any doubt on this point, it is proposed to refer in the new Draft Convention to "undertakings in which only members of the employer's family are employed", which is the formula used in the Convention concerning hours of work in commerce and offices adopted in 1930.

(c) *Private domestic service* (Question 13)<sup>1</sup>

The replies of the Governments are also divided on the Question whether the Draft Convention should contain special, and what, provisions for the employment of children in private domestic service, which in the contemplation of the Questionnaire would mean domestic service in private houses or families as opposed to domestic work in hotels, boarding houses, cafés, restaurants, clubs, and similar establishments.

The following Governments are not, or appear not to be, in favour of special provisions, or at any rate special facilities, for private domestic service, Belgium, Bulgaria, the Canadian Provinces of British Columbia and Manitoba, Chile, Great Britain, Greece, Hungary, Irish Free State, Latvia, Poland, Uruguay, Yugoslavia. Uruguay considers that the possibilities of the abuse of child labour in private domestic service and the difficulties of drawing attention to such abuses and putting a stop to them make it all the more essential to apply the general minimum age rule to admission to such employment, and Spain appears to share the same view.

Austria would also include private domestic service in the Draft Convention, but would fix a special minimum age of ten years for admission to light employment in such service, instead of the twelve years limit<sup>2</sup> which that Government proposed for light employment generally, and would allow a maximum of six hours work on whole school holidays for light domestic service instead of the four hours already suggested by the Government<sup>3</sup> for other forms of light employment.

Germany would exclude private domestic service from the Draft Convention on the ground that its inclusion would probably make it difficult for a considerable number of countries to ratify. This Government suggests, however, that the question might be regulated in a special Draft Convention or Recommendation, which might contain provisions relating to the prohibition of night work and employment before school hours, a maximum of

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<sup>1</sup> Cf. *ante* p. 175

<sup>2</sup> Cf. *ante* p. 192

<sup>3</sup> Cf. *ante*, p. 199

three hours work a day on school days and four on school holidays, and special guarantees that the child is protected against moral and physical danger and that his strength is not overtaxed.

Lastly, the following Governments would exclude private domestic service from the international regulations altogether: Brazil, the Canadian Provinces of Ontario and Saskatchewan, Cuba, Denmark, Finland, France, Italy, Japan, Luxemburg, Norway, Portugal, South Africa<sup>1</sup>, Sweden, Switzerland (in this last case because the power to legislate on this form of employment does not lie with the Federal Government, but with the Cantons). The Netherlands should also perhaps be included in this list, as it replies that the Draft Convention should not include provisions prohibiting private domestic work. The main reason for the attitude of these Governments, as indicated, for example, in the French reply, would appear to be the difficulty of enforcement due to the fact that in most countries the officials on whom the duty of supervising the enforcement of the regulations would fall at present have no right of entry into private houses.

It is not necessary, in view of this division of opinion among the Governments, to go here into the general considerations which weigh in favour of the inclusion of private domestic service in the new international regulations or of its exclusion, or of the treatment of this form of employment on the same footing as other non-industrial occupations, or otherwise. For present purposes, it is sufficient to note that, with the replies as they stand, it would probably not be possible to secure a two-thirds majority of the Governments at the Conference for including private domestic service in the Draft Convention, and that, even if it were so included, it would no doubt be a matter of considerable difficulty for not a few Governments to guarantee effective enforcement of the regulations relating to it for some time to come. After careful consideration of the position in all its bearings, including the fact that very little

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<sup>1</sup> In its reply to Question 21 South Africa observes that if the proposal to exclude private domestic service is not approved, then a lower minimum age for entering into such employment should be prescribed for non-Europeans in that country.

legislation at present exists on the subject in the Organisation as a whole, the Office is of opinion that it should propose to the Conference to leave it open to the competent authorities in each country to exempt private domestic service from the Draft Convention

(d) *Employment in theatres, etc* (Question 14)

In this case, i.e. to quote the words of the Questionnaire, "the employment of children (including preparation and execution) in theatres, the film industry and public entertainments generally, in the interests of art and science<sup>1</sup>", the principle of making some special provision in the international regulations is supported by a considerable majority of the Governments

It is true that a certain number of Governments appear to consider that no distinction should be made between the employments referred to above and other non-industrial occupations. Thus Norway and Sweden propose that employments of the kind in question under the general minimum age should only be allowed in so far as it can be included under the heading of "light work" outside school hours and on the same conditions as are to be stipulated in the Draft Convention for regulating such light work as a whole. The Netherlands, too, replies that there is no need, in the interests of art and science, to allow lower age limits than the general minimum age, for admission to employment in theatres, etc., while Great Britain would also apply to this category of employment the same minimum age as it proposed for non-industrial employments in general, i.e. twelve years as an absolute rule. Poland, indeed, would go even further. It would not only fix a special minimum age of 18 years for employment in certain categories of public entertainments, e.g. acrobatic shows, circuses, music-halls, but would only allow employment under 14 in other categories, e.g. theatres, concerts, film studios, as the sole

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<sup>1</sup> This question, of course, only referred to employment or preparation for employment, in acting, performing or appearing on the stage in theatres and places of public amusement generally or before the camera in film studios and not to other employments in or about places of public amusement or film studios such as selling programmes, certain mechanical work etc

exception to the general minimum age rule, and even in these cases practically only within the limits of light work outside school hours

The other Governments, excluding Japan, Estonia and Luxemburg, which (Japan) would leave the whole problem to each country or (Estonia, Luxemburg) have no experience of the question in their own countries, consider that the general regulations of the Draft Convention for non-industrial occupations as a whole would not meet the special case of employment in theatres, etc

This is the case even with one or two Governments which propose a higher minimum age for the employments here in question, but at the same time would make allowance for exceptions. Thus, Latvia would fix a minimum age of 18 years as a general rule for theatrical, etc employment, subject to allowing the competent authorities to accord special exceptions. Brazil, again, would fix 16 years for boys and 18 for girls in the case of regular employment, and 12 years for both sexes for employment of a limited and intermittent character or in the case of apprenticeship to certain artistic callings, such as dancer, and would strictly prohibit employment under 12, only allowing children below that age to be used for the stage in schools and institutions of a purely educational character or at concerts, etc not given for profit. Similarly, Spain would fix 16 years as the minimum age but leave it to national legislation to allow exceptions in certain cases, while Italy proposes an admission age of 15 years, except for theatres producing lyrical and dramatic pieces of an educational character, but would also leave it open to the competent authorities to permit exceptions for the employment of children under 15 in the preparation of certain films

The position is the same with the remaining replies, which do not propose a higher minimum age than 14 for employment in theatres, etc, but still consider some latitude to be required for exceptions to the general minimum age rules. This is the case whether the replies are simply in general terms to the effect that such employment under the general minimum age should be authorised (e.g. Hungary, Switzerland), or as an exception (Belgium, Finland), or that special provisions are required (e.g. Canadian Provinces of British Columbia, Manitoba,

Ontario and Saskatchewan, Greece, Bulgaria, Irish Free State, Portugal, Yugoslavia), or that the fixing of special provisions should be left to each country (Cuba), or that employments of the kind in question under the general minimum age should be allowed in individual cases (e.g. Chile), or only the employment of children in official and supervised ballet schools (Denmark), or as an exception and only for a short time (France), or subject to a limited discretion of the authorities (South Africa), or only in the higher, special or genuine interests of art or science (Austria, Germany, Poland, Uruguay)

There is thus no mistaking the tendency of a very considerable majority of the replies in the direction of allowing some further latitude for exceptions to the minimum age rules, for the employment of children in theatres, film studios and places of public amusement generally, than would be allowed by those already to be provided for in the Draft Convention for light work, which it will be remembered would only be allowed outside school hours and would be prohibited at night.

The practical question thus is whether it will be possible to specify internationally any limitations on these additional exceptions or to fix certain conditions to be fulfilled in allowing them. In considering this point it is proposed for the present to reserve dangerous employments in public entertainments, e.g., acrobatic and contortionist performances referred to by the Polish Government, for separate consideration under Question 15 (*post*, p. 217), which contemplated the possibility of fixing a higher minimum age or ages as absolute bars to employment in dangerous occupations generally.

Subject to this observation, though the tendency of most of the Governments is in the direction of close limitation, e.g. only to allow exceptions in the genuine interests of art or science or in individual cases, only certain isolated proposals of a positive character for limiting the scope of the exceptions in view are contained in the replies. Thus the possibility of fixing an age limit lower than the general minimum of 14, as an absolute bar to any employment in theatres, etc. below such lower age, is referred to only in the replies of the Canadian Province of Ontario, France, Great Britain and Luxemburg, the first three of which propose respectively 10

years, 9 years and 12 years. Similarly, there are only one or two references in the replies to other limitations. Bulgaria and Hungary, for example, consider that night work should be prohibited, while other Governments (e.g. Austria, Great Britain) expressly consider that an exception should be allowed for night work to some extent or (Italy) would only prohibit late hours, or (Brazil) would fix 10 p.m. for children from 7 to 12 years of age and 11 p.m. for children from 12 to 16 and 18 years. Brazil and Yugoslavia, again, suggest a maximum of hours of work — e.g. four hours for children under 12 (Yugoslavia), or different maxima for children between 7 and 12 years and children between 12 and 16 to 18 (Brazil).

Apart from such occasional references as these, the Governments have refrained from indicating the nature or extent of the exceptions they have in mind, but appear to contemplate that no general limitations on the exceptions should be laid down in the Draft Convention and that it should be left to the individual country to define the exceptions and the restrictions on them which it deems necessary, both as regards employment and preparation for employment for appearing on the stage, before the camera, etc.

On the other hand, in reply to the second half of the present Question, viz. as to the special measures which might be laid down for safeguarding the health, physical development, morals and continuation of the education of children under the general minimum age for whom exceptions are allowed, the Governments are strongly in favour of strict safeguards and supervision for these purposes. There are certain differences in detail in the replies, but the main point which many of them seem to emphasise is that the employment of children under the general minimum age in theatres, etc. should only be allowed with the approval or permit of the competent authority in individual cases, and that this is the surest method of ensuring the necessary safeguards. Before such approval or permission is granted, the replies as a whole suggest that the competent authority should be satisfied, for example, that the parents' or guardians' consent to the employment contemplated has been obtained, that the child is physically fit for the employ-



ment (medical certificate), that the employment is not dangerous to life or limb, that proper provision will be made for preventing injury to his health, physical and mental development or morals and for his kind treatment and the continuation of his education. As a number of replies further suggest, these latter objects would be secured to a very considerable extent by the competent authorities imposing, in granting the permits, certain conditions adapted to the nature and circumstances of the employment, e.g. as to the hours when the child may be employed, with special reference to night work, while the permits should be for a limited period or for particular entertainments. The French Government adds that it might be made one of these conditions that the names of the children should not appear on posters or programmes.

It is not generally contemplated in the replies, of course, that these details should be incorporated in the Draft Convention. It would seem, however, that this instrument should at least lay down the necessity of permits, to be granted in individual cases, and the general principle of prescribing strict safeguards for the health or morals of the children and for ensuring kind treatment of them and the continuation of their education.

The principle which it has already been proposed to include in the Draft Convention, that each country is to determine the special exceptions to be allowed for the employment of children under the general minimum age in theatres, film studios and public entertainments generally, would thus be subject to the rules that such exceptions are to be on the basis of individual permits granted by the competent authority and that strict safeguards are to be imposed for the protection of the children so employed.

These rules might then perhaps be supplemented in the Recommendation by suggesting that, say, 12 years might in principle be an absolute age limit and that exceptions to this principle should be kept within narrow limits and only allowed in so far as required by the interests of art or science, and by adding the other points indicated above as to the details of permits and the conditions of granting them.

(e) *Dangerous occupations* (Question 15)

This Question dealt with "occupations which are dangerous in character or likely to be injurious to the health or morals of children" and asked

(i) Whether the international regulations should prohibit entirely the employment of children, in such occupations,

(ii) Whether a special, and what, age or ages should be fixed for admission to employment in them, and

(iii) Whether the regulations should give a list of the occupations concerned

It will be recalled that certain types of dangerous employment in public entertainments (e.g. acrobatic performances), and family establishments which are dangerous in the sense indicated above, have been reserved from previous Questions for consideration with dangerous employments as a whole in the present connection

(i) On this first point, except that Japan has not specifically expressed an opinion on the merits of the question as a whole, the Governments are unanimous that employment of children in dangerous or injurious occupations should be absolutely prohibited. So far as children under the general minimum age are concerned, the replies leave no doubt but that it is generally intended that this principle should be strictly applied. As regards these children, in fact, subject to the reservation of the two cases of dangerous employment mentioned above, the principle would in any case be automatically applied by the limitation of employment under the general minimum age to "light work", which *ex hypothesi* could hardly include dangerous or injurious employment

(ii) The practical question for present purposes thus is whether a higher minimum age or ages than the general minimum age should be fixed for dangerous or injurious employments of the kind here in question

In this connection a few Governments (Austria, Finland, Germany, Norway, Sweden) have, in their replies to the present question or to Question 16 (*post*), which dealt with the possibility of fixing a higher age or

ages for street trading, expressed the view that it would be desirable not to go at all into the question of a higher age or ages for certain employments in the Draft Convention, but to confine this instrument to children under the general minimum age, on the analogy of the previous Minimum Age Conventions. Austria, Germany and Sweden are of opinion that this question relates rather to the problem of the protection of *young persons* than of children, a problem which the German Government considers has not been sufficiently clarified in the preparatory work on the present item on the Agenda to allow of its being dealt with in the new Draft Convention, while Finland and Sweden emphasise the difficulties of specifying a particular age or ages for international application. Finland, Norway and Sweden would therefore prefer to have this question dealt with in the Recommendation, while Austria and Germany consider that the problem of the protection of young persons between 14 and 18 should be treated as a whole in special regulations to be considered (Germany) at a later session of the Conference.

So far as the objections of principle contained in some of these replies are concerned, it will perhaps be sufficient to note here not only that the above-mentioned Governments do not oppose (they expressly or implicitly support) the principle of a higher age or ages for certain employments, but also that a very considerable majority of the other Governments consider that this principle should be embodied in the new international regulations, as the general minimum age would not be adequate for all the employments to be included in their scope. As a matter of fact, these other Governments, in their replies to the present Question or to Question 16, make definite proposals for a higher age or ages as rules which might be taken into consideration internationally for certain employments of a special character. Thus, on the present question relating to dangerous or injurious employments as a whole, the following proposals are contained in the replies: the age of majority as a general rule, subject to variation by the competent authorities according to the dangers of the particular occupation (Brazil), 21 years (Canadian Province of British Columbia), 18-21 years (Bulgaria), 18 years as a general rule

(Poland), 18 or 16 for boys and 20 or 18 for girls according to the occupation (Greece), 18 years for employment in the liquor trade and special regulations for children over 14 in other dangerous or injurious occupations (South Africa), 14-18 according to the occupation and the sex of the person employed (Netherlands), 16 years for certain employments, some other age over 14 for others, and 21 years for others (Spain), 18 years for certain employments and 16 years for certain others (France), 16 years (Belgium), 15 for certain employments, subject to exceptions, and 16 years for serving customers in public houses (Italy), different ages according to the employment based on an absolute general minimum of 14 years (Great Britain) To these Governments, moreover, should be added certain others which have not proposed a higher age or ages in reply to the present Question on dangerous or injurious occupations in general, but make proposals of this kind in their replies to Question 16 with reference to street trading, which most of them would include to a greater or lesser extent in the category of such occupations — e g Denmark, Estonia, Hungary, Latvia, Switzerland, Uruguay

There would thus appear to be abundant authority in the replies as a whole for dealing in the new international regulations with the question of a special age or ages higher than the general minimum age for non-industrial occupations which are dangerous in character or likely to be injurious to the health or morals of children It may, indeed, be said that this is one of the most important aspects of the problem before the Conference, and that there would be a serious gap in the international regulations if they did not take account of it At the same time, having regard to the differences in the proposals of the Governments noted above, to differences in the conditions in various countries, and, as will be seen below, to the variety of dangerous or injurious occupations which might be taken into consideration, as well as to the difficulty of making an international list of them, it would hardly seem possible for the Draft Convention to fix any specific age limits above the general minimum age but the draft might well lay down the general rule that a higher age or ages are to be fixed by national laws or regulations for

employments which are dangerous to life or limb, or to the health or morals of children. This rule would establish the main principle on which nearly all the Governments are agreed, while allowing the specific age or ages to be adapted to the conditions of each country and to those of the individual employment concerned.

This rule might then be supplemented in the Recommendation by the further principles that the age or ages to be fixed should be adapted to the dangers of the particular employment, that, as is suggested in some replies, different ages might be fixed for boys and girls in some cases, and, as has been proposed in previous connections, that before fixing these ages the competent authorities should consult the principal organisations of employers and workers in the occupations concerned.

(iii) On the question whether the international regulations should give a list of the dangerous or injurious employments in view, the following Governments have replied in the affirmative. Bulgaria (if possible), Cuba, France, Poland, South Africa, Yugoslavia. Belgium considers that the Draft Convention might specify some of the employments, leaving each country to complete this list in the light of its own conditions, subject to communication of the additions to the International Labour Office. The other countries are of opinion that, as conditions are so different in different countries, it would scarcely be possible to include a list in the Draft Convention, but that it should be left to national laws or regulations to specify the employments concerned for their respective countries.

A few Governments give examples of the employments they have in mind<sup>1</sup>. Without giving all the details of these examples, the following broad groups may be mentioned.

Serving customers in premises selling intoxicating liquor, e.g., public-houses, bars, cafés, etc., (Austria,

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<sup>1</sup> In the great majority of cases these examples are mentioned with the indication of the higher age or ages which should be fixed for them. These ages have already been referred to above. In a few cases it is contemplated that the general minimum age should apply as an absolute side

Finland<sup>1</sup>, France, Italy<sup>1</sup>, Poland<sup>1</sup>, Spain<sup>1</sup>, Switzerland, Yugoslavia), employment in the liquor trade (Austria, South Africa), employment in breweries and distilleries (Austria)

Service of guests in hotels and similar establishments (Austria, France)

Attendance on customers in premises for public amusement or recreation, e.g., cinemas, theatres, etc., dance halls (Brazil, France, Switzerland), gaming saloons (Bulgaria, France), billiard saloons (Brazil), bathing establishments (Brazil<sup>1</sup>, France)

Looking after patients in hospitals and similar establishments (Brazil<sup>1</sup>, France), with special provision for hospitals, etc. dealing with infectious or contagious diseases (Brazil)

Preparation, sale, delivery, etc., of immoral publications or publications likely to corrupt children (Brazil, France, Greece, Spain), *maisons de tolérance* (Bulgaria, Brazil)

Acrobatic, contortionist and similar performances (Brazil, France, Poland, Spain) or work in wild beast shows, etc. (Brazil, Greece) or cucuses (Poland)

Work in dangerous places, e.g. underground (Brazil, Spain) or on scaffoldings, roofs, etc. (Brazil), or on aviation grounds (Switzerland), or in an unhealthy atmosphere (Brazil), e.g. in processes causing harmful gases or dust (Austria, Greece) or danger of infection (establishments in which raw hides, skins and other waste animal products are dealt with — Austria, Greece, laundry work — Greece, collecting and sorting of rags, rubbish, etc. — Austria)

Street trading (Luxemburg<sup>2</sup>, Switzerland), employments carried on in the streets or public places (Belgium<sup>1</sup>) or strolling singers, dancers, musicians, jugglers, etc. (Finland),

Manipulation of dangerous chemical products, e.g. in chemists' shops (Switzerland, Yugoslavia)

<sup>1</sup> These Governments have made these proposals in reply to Question 17

<sup>2</sup> In reply to Question 16

Working lifts in offices, etc (Switzerland, Yugoslavia) or certain machines used in offices (Switzerland)

Carrying heavy loads (Brazil) or employment as porter at stations, etc (Bulgaria) street cleaning (Brazil) driving vehicles (Brazil) or horses (France) or employment in general transport undertakings (France) golf caddying (France) wood-cutting (Austria), etc

The great majority of the Governments have thus not specified the dangerous or injurious occupations they have in mind, and it will be seen above that those mentioned by the other Governments, generally by way of example only, are of a miscellaneous character. In these circumstances, and in view of the opposition of the great majority of Governments to giving a list of dangerous or injurious occupations in the Draft Convention, there can hardly be any question of endeavouring to frame such a list which could have any claim to meeting the different requirements of different countries. No doubt there may be certain employments which are dangerous in themselves, no matter where or in what circumstances they may be carried on, e.g., serving customers in places selling intoxicating liquor, or certain acrobatic and similar performances, and it might be possible for the Conference in the light of further information to specify some such employments as a minimum in the Draft Convention, with the requirement that the different countries shall complete them in the light of their own conditions. For a very large part, however, the determination as to what employments are dangerous or injurious depends so much on general conditions which vary from country to country that an employment which would be dangerous in one country might very properly not be considered to be so in another. It would therefore seem preferable for the Draft Convention to require national laws or regulations to settle the problem, subject to the stipulation, in the mutual interests of the ratifying countries, that each country gives in its annual Article 408 reports particulars of the employments singled out for the special treatment here in view, and to indicate certain examples taken from the Governments' replies in the Recommendation, which might further suggest that, as in the case of light work, the competent authorities should

consult the employers' and workers' organisations before framing the list to be applicable to their country

It remains to add that, as a considerable majority of the Governments are in favour of fixing a higher age or ages for dangerous or injurious employments, it may not unreasonably be assumed that they would also agree that such age or ages should apply to family establishments in which such employments are exercised, on the same footing as to other establishments, and that to this extent family establishments should not be exempted from the Draft Convention <sup>1</sup> It is accordingly proposed to complete the provision already contemplated for the exclusion of family establishments as a whole from the scope of the Draft Convention (*ante*, p 209) by stipulating that this exclusion does not apply to such establishments in which dangerous employments of the kind considered above are exercised, but that these particular family establishments are to be covered by the provisions of the draft relating to these employments as such

(f) *Street trading* (Question 16)

In this case the Questionnaire not only consulted the Governments as to whether a special admission age higher than the general minimum age should be fixed for employment in street trading but asked whether this age should be 18 for girls as an absolute rule, and what corresponding age for boys The Question further asked what occupations the Governments considered should be included as "street trading" and whether, in particular, employment at counters outside shops should be so included

Certain references to this question of street trading have already been made above, in the review of the replies on the subject of dangerous occupations generally. It was there noted that certain Governments expressly considered street trading to belong to this general category The other Governments, it would appear, also share the view that it is the moral and other dangers at any rate of some forms of street trading that raise the question

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<sup>1</sup> Cf also *ante* p 207



of fixing a higher age or ages for admission to this employment. However, last year's Session of the Conference wished to draw the particular attention of the Governments to it by putting a special Question on it, and to give them the opportunity of considering whether any discrimination should be made between it and other dangerous occupations, e.g. by fixing a higher minimum age than might be the general rule for dangerous occupations as a whole.

As in the case of this general category of dangerous occupations, the principle of special provision for street trading or at any rate certain employments of this kind is recognised in the great majority of the replies, the position of the individual replies to the present Question being, in fact, very much the same as in the case of the preceding Question.

Cuba and Japan would leave the regulation of the present Question entirely to the competent authorities in each country.

Chile would not go further than an absolute minimum age of 14 years, and the Irish Free State would fix the minimum age to correspond with the school-leaving age.

Austria, Finland, Germany, Norway and Sweden, while recognising the importance of the present problem and that it may be desirable to fix a higher admission age or ages for street trading, apply to the latter the same general observations as they made on dangerous occupations as a whole, viz. that the Draft Convention should be confined to children under 14 and that the question of fixing a higher admission age or ages for certain employments relates rather to the problem of the protection of young persons and should therefore be dealt with separately (cf. *ante*, p. 217).

The other Governments not only accept the principle of fixing a higher age or ages for street trading in the Draft Convention, but nearly all indicate the ages they have in view. Among the ages mentioned are 21 for girls and 18 for boys (Spain), 21 for both sexes, with 18 for girls and 12 for boys in certain forms of street trading which are light employment (Bulgaria), 20 for females and 18 for males in certain cases (Hungary), 18 for both sexes (British Columbia, Belgium, Uruguay, Yugoslavia),

18 for girls and 16 for boys (Denmark — subject to exceptions, Estonia, Greece, Luxemburg, Poland), 18 for girls, boys to be governed by conditions of employment (Manitoba), 18 and 14 respectively for the two sexes (Latvia), 16 for both sexes (Italy), at any rate in certain forms of street trading (France), and with regulation between 16 and 18 (Great Britain), 16 for girls and 12 for boys (Ontario), a measure of local autonomy subject to a general minimum age of 14 (South Africa). Finally, Switzerland agrees that a higher age or ages than the general minimum age should be fixed, but would leave it to each country to determine the specific age or ages.

As in the case of the preceding Question, there would thus appear to be here, too, sufficient authority in the replies as a whole for including in the Draft Convention the principle of a higher admission age or ages for employment in street trading. It will be noted, however, that the actual ages proposed differ considerably in different replies, and for this reason alone it would be difficult to specify in the Draft Convention any particular age or ages, or even that a higher age is to be fixed for girls than for boys.

Another obstacle in the way of specifying an age or ages for general application lies in the difficulty of defining street trading, a difficulty which has been increased to some extent by the fact that "street trading" in the English text of the Questionnaire and "*professions ambulantes*" in the French text do not perhaps amount to quite the same thing. In any event, there are considerable divergences in the replies as to the occupations which should be included under the expression "street trading". It is not proposed to analyse these differences in detail. In any case, it may be assumed to be generally agreed that this expression should not, of course, cover persons who actually do their work in the street though working for an establishment which is fixed, e.g. boys employed for delivering milk from a milk shop or parcels from any other shop, and should not apply either to trading or occupations carried on in public market places even if held in the streets, such market places being under the control of public authority. For the rest, however, while one or two Governments would appear to include itinerant occupations merely as such,

e.g. cireuses, the majority appear to be agreed that the essential criterion is not merely whether the occupation is itinerant but whether it is carried on in streets and public places. Even within this limitation, however, there are certain differences in the replies. One or two Governments, for example, would appear to include such occupations as knife-grinding, mending chairs, umbrellas, etc. in the street, while in the opinion of the Swiss Government these are industrial occupations and not within the scope of the item on the Agenda. Similarly, the Swiss Government, while including hawking in general, would exclude the selling or hawking in the street of agricultural produce and fruit, flowers, mushrooms, etc. Further, the Governments are divided in their views on the sub-question whether employment at counters outside shops should be treated as street trading. All the same, nearly all the Governments would include hawking as a general rule, and other selling of articles such as newspapers, postcards, sweetmeats, matches, drinks, etc. in the street as distinct from a shop. singing or performing in the streets, shoe-blackening in the street, etc.

It would thus be difficult if not impossible to give a definition of street trading in the international regulations, and still more so to give a list of the occupations concerned, as the Polish Government suggests. Moreover, as certain Governments observe, it may not always be necessary to treat all forms of street trading on the same footing, as some may require less strict regulation than others, while, as other Governments suggest, the nature of the regulation required is very largely determined by the local conditions in which the occupation is carried on, and some discretion for local authorities may therefore be desirable.

In view of all these circumstances, the Office considers that it would not be desirable to attempt to prescribe in the Draft Convention any specific age or ages above the general minimum age for admission to employment in street trading, but that, on the analogy of the provision to be proposed for dangerous occupations generally, the draft should confine itself to prescribing that national laws or regulations are to fix a higher admission age or ages for those forms of street trading in which the conditions of employment require such a higher age or

ages A few typical examples of street trading might then be given in the Recommendation

(g) *Other occupations* (Question 17)

In reply to the question here, whether there are in the opinion of the Governments any other occupations, in addition to those already dealt with above, for which special provision should be made in the Draft Convention, only one or two Governments have specifically mentioned certain occupations. These references include serving customers in establishments selling intoxicating liquor (Finland, Italy, Poland, Spain), employment in establishments for the cure of the sick, etc (Brazil), any occupation carried on in the streets or public places (Belgium) or any selling in the streets (Hungary), acrobatic, juggling and similar performances or animal shows (Greece). All these occupations, except in one case (Finland) have been proposed with a view to a higher age or ages than the general minimum age being fixed for them in the new international regulations. They have, however, already been taken into account, whether expressly or by other references, in the review of the replies to Questions 15 and 16 relating to dangerous occupations as a whole and to street trading, they need not therefore be further considered here.

Similarly, the observations made by the German Government under Question 17 on inland navigation and fishing have already been dealt with in connection with the scope of the Draft Convention (cf *ante*, p. 173).

The only other occupation specially mentioned is the preparation of seasonal perishable commodities, which appears to be the only exception which the Canadian Province of British Columbia would allow to the general minimum age rule, and which it would permit only outside the hours of school attendance and subject to written authorisation of, and supervision by, public authority.

In the result, therefore, there are no special proposals to submit to the Conference on the basis of Question 17.

(h) *Prohibition of employment of children by certain persons* (Question 18)

The Question put to the Governments here was on a somewhat different plane from those which have been considered above. It asked whether the Draft Convention should lay down the rule that it is to be forbidden for persons who have been convicted of certain crimes or who are notorious drunkards to employ in any occupation whatsoever children other than their own under the general minimum age, even if these persons are living in the same household with such other children.

The great majority of the Governments accept the principle of the rule indicated above. There would also appear to be a considerable number of them which would be in favour of inserting this rule in the Draft Convention itself, though some of the replies are not very explicit on this point. The other Governments, however, have definitely raised certain objections, if not to the principle of the rule itself, at any rate to the expediency of laying down the rule internationally as a positive obligation on the different countries which they would have to give effect to if they ratified the Draft Convention.

The main issue thus appears to be whether the rule should be stipulated in the Draft Convention or in the Recommendation.

The chief objections to transforming the rule into a positive international obligation in the Draft Convention at present under consideration relate not only to the merits of the question but also to the possibility of giving a satisfactory form to such an obligation. Apart from the fact that the subject-matter of the Question put to the Governments is bound up with the general problem of the protection of children as such and independently of whether they are employed or not and whatever their occupation may be, it would, as the Swiss Government for example observes, be difficult to give any precise indications for international application of the offences or conduct for which an employer should be prohibited from employing children. Moreover, as other Governments observe, it would be a matter of considerable delicacy and difficulty,

not only for the above reason but also on general grounds, to enforce a rule of the nature contemplated.

In these circumstances, and while it fully recognises the desirability of prohibiting the employment of children by employers who might set them a bad example of moral conduct or exert an undesirable influence on them, the Office has for the present come to the conclusion that it would be preferable, in view of the general nature of the provision contemplated, to include it in the Recommendation as a point which might be taken into consideration by national laws or regulations, particularly in those countries, for example, where account has not yet been taken of this principle even in the legal provisions governing apprenticeship as such. It will still, of course, be open to the Conference, in the light of further consideration, to endeavour to find a formula which would avoid the difficulties referred to above and be both sufficiently precise to take a place in an international Convention and also capable of being enforced in the countries of the States Members generally.

## VI.

### ENFORCEMENT (Questions 19-20)

Question 19 related to certain measures for facilitating the enforcement in the individual country of the regulations which have been considered in the preceding pages for inclusion in the Draft Convention. The Governments were asked whether the Draft Convention should lay down the following measures

- (a) the keeping by every employer of a register of all persons employed by him under a specified age, and of the dates of their birth,
- (b) strict aids to enforcement for employment in public entertainments, e.g. licences, safeguarding the right of entry for supervision purposes;
- (c) licences and badges for employment in street trading,
- (d) penalties for non-observance of the conditions for facilitating enforcement.

In Question 20 the Governments were further asked whether the Draft Convention should provide that the necessary measures are to be taken to ensure adequate public supervision for the enforcement of its provisions.

The Governments are at any rate agreed on the general principle underlying these Questions, viz that each country should take the necessary measures with a view to facilitating and ensuring the enforcement of the regulations to be laid down in the Draft Convention, and that this principle at any rate, which has already been included in other Conventions adopted by the Conference, should also be incorporated in the Draft Convention at present under consideration. The gist of a considerable number of the replies, however, is that the Draft Convention should not go into detail on all the different points referred to above, but should for the most part leave the choice of the detailed means of facilitating and ensuring enforcement of its provisions to the individual country. Some Governments, in fact, (e.g. Japan, Netherlands, Sweden, Switzerland), expressly or implicitly consider that the contents of the Draft Convention on the present Questions should be confined to a statement of the general principle just enunciated.

Subject to these general observations, the replies may most conveniently be dealt with under the following headings. (i) aids to enforcement to be required of employers or the children employed by them, (ii) public supervision and inspection, (iii) penalties.

(i) So far as aids to enforcement to be required of employers or the children employed by them are concerned, the Governments, apart from one or two which have not expressly replied on the point, accept the principle that employers of children in non-industrial employment should be required to keep some written record containing particulars of such children, including in any case the dates of their births. As the Swedish Government suggests, however, it is hardly necessary to require that this record should take the form of a register, as suggested in the Questionnaire, as in many if not most cases of the employment of children in non-industrial occupations the number of children employed by a particular employer may be very small in such cases.

some official certificate or similar document showing the necessary particulars of the child should suffice. It is accordingly proposed to include this principle in the Draft Convention, on the analogy of the previous Minimum Age Conventions, and to reserve for the Recommendation certain other suggestions contained in the replies as to the particulars which should be given in the written records, e.g. the nature of the employment and the number of hours of work authorised.

If the Draft Convention lays down a general minimum age of 14 and allows light employment under that age outside school hours, it seems clear that the written records (to be kept by the employer) should at any rate be in respect of all children employed by him under 14 years of age. However, in the previous Minimum Age Conventions, which also fix a general minimum age of 14 years, it has been required that records should be kept for all children up to 16, in order to give the supervising authorities fuller means of verifying that the minimum age rule of 14 years is not being violated. Moreover, if the Draft Convention requires national laws or regulations to prescribe a higher age or ages than 14 for certain special occupations, there may be a number of different minimum ages ranging say from 14 to 18 to be taken into account. The Governments were accordingly asked, on the analogy of the previous Conventions, whether the records to be kept by the employer should be in respect of any person employed by him whose age is at least two years above the minimum age laid down for the particular employment in which he is engaged.

On this point, a considerable number of Governments appear to give an affirmative reply and a few suggest that a definite limit might be prescribed for all the occupations covered by the Draft Convention, e.g. 18 years (France, Poland) or 16 years (Austria). On the other hand, a number of replies are silent or not explicit on the point, or propose that the prescribed limit should be the age of school attendance (Great Britain) or the minimum age for the particular occupation concerned. Italy, too, proposes that the prescribed age should be 15 years for employments for which the minimum age of admission is 14 and for other employments the special



## GENERAL SURVEY

admission age which is fixed for them by national laws or regulations

As a compromise between the replies it would appear that two alternative solutions might be contemplated, either that the Draft Convention should simply require employers to keep records of all children employed by them under 16 years of age, leaving each country to increase this age as it thinks fit for occupations for which the admission age would be higher than 14, or to require records to be kept of all persons under an age which is at least one year higher than the admission age fixed by the Draft Convention or national laws or regulations for the particular employment concerned. For the present the Office proposes to put this second solution to the Conference

As regards licences or permits for the employment of children in theatres, film studios and public entertainments generally, it has already been proposed (cf *ante*, p. 215) that the exceptions to be allowed to the Draft Convention for these employments in the case of children under the general minimum age should be on the basis of individual permits, which, it may be noted here, in reply to certain suggestions contained in some replies, could of course take the form of employment books, identity books, or similar documents. It may simply be added in the present connection that this requirement of a permit might also apply in the case of such dangerous theatrical employments (e.g. dangerous acrobatic performances) as are included in the general clause of the Draft Convention requiring national laws or regulations to fix a higher age or ages for admission to dangerous employments as a whole. This supplementary point might perhaps be mentioned later in the Recommendation

As for the requirement of licences or similar written authorisation for employment in street trading, this is expressly approved by a considerable number of the replies, at any rate for persons under a certain age. On the other hand, a considerable number of replies are silent on the question whether badges also should be required for employment in street trading. In these circumstances perhaps the best solution would

be to incorporate in the Draft Convention the principle that national laws or regulations are to provide suitable means for facilitating identification and supervision of persons under a specified age engaged in street trading, and to make special mention of badges for such employment in the Recommendation

It should be added that certain Governments (e.g. France, Germany, Great Britain<sup>1</sup>, Italy, Uruguay) suggest a general system of employment or identity books for children employed under a certain age (14, Germany, Great Britain, 15, Italy, 18, France). There can be little doubt that such a general system would be of very great value for facilitating the enforcement of the minimum age regulations, but, taking the replies as a whole, it would hardly seem possible at this stage to include a rule on the lines proposed in the Draft Convention. Such a system, however, might well be recommended to the attention of the Governments in the Recommendation.

(u) As regards inspection and supervision, it has already been noted that the Governments appear to be generally agreed that the Draft Convention might lay down the principle that each country is to take the necessary measures, by way of measures of supervision, with a view to ensuring the enforcement of the provisions of the Draft Convention. It is clear from the replies as a whole, however, that, though some of them contain suggestions as to the authorities to whom inspection or supervision should be entrusted, it is not contemplated that the clause in the Draft Convention should go beyond the statement of the above general principle, but should leave each country free to make the necessary arrangements for inspection or supervision in the way it considers most suitable to its own conditions.

It would thus hardly be possible to deal specifically in the Draft Convention with the special point put to the Governments relating to the safeguarding of the right of entry, for the inspecting or supervising authorities, into theatres, film studios and other premises in which

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<sup>1</sup> Cf. Question 7, where the proposal is mentioned for application to children under the general minimum age who are allowed to be employed in light work outside school hours.

children are employed in the preparation or execution of performances for public amusement, though it might be desirable to draw the attention of the Governments to the importance of this point in the Recommendation.

(iii) Except that Great Britain has replied in the negative, without comment, on the point as to the provision of penalties for non-observance of the conditions to be prescribed for facilitating enforcement of the provisions of the Draft Convention, the Governments appear to be generally agreed that a stipulation to this effect might be made in the draft itself. It would seem, indeed, that most of the Governments contemplate that the stipulation should not be limited merely to conditions for facilitating enforcement but should be laid down as a general requirement for the enforcement of national laws or regulations by which effect is given to the Draft Convention as a whole. Here again, however, though some replies contain certain details as to the kind of offences which should be repressed or of penalties which might be prescribed, there is no suggestion in them that the clause in the Draft Convention should go beyond the general requirement referred to above, but that its detailed application should be left to the determination of the individual country.

## VII

### MODIFICATIONS TO MEET SPECIAL CONDITIONS, UNDER ARTICLE 405 OF THE TREATY (Question 21)

In reply to this Question very few Governments have made any observations or suggestions for modifications of the provisions of the Draft Convention in order to meet the case of countries where there are special climatic or other conditions (paragraph 3 of Article 405 of the Treaty of Peace). Most of the observations which have been made, moreover, and which relate (South Africa) to the question of private domestic service in this particular country or (Bulgaria, Brazil, Portugal) to the desirability of making allowance for special condi-

tions in certain countries in framing the new international regulations, more particularly as to the general minimum age of admission, have already been expressly or indirectly taken into account at the appropriate place in the preceding pages (cf for example, p. 185)

So far as the general question of modifications of the Draft Convention is concerned, the only further observations which fall to be noted here are those of the French and Italian Governments

In the opinion of the Italian Government, only climatic, but not other, special conditions should be taken into consideration for the purpose of possible modifications of the Draft Convention

In the view of the French Government, the Draft Convention, on the analogy of previous Conventions, should contain special provisions, by way of a lower general minimum age or lower special ages for certain occupations, for countries where climate and the physical development of children render their working conditions substantially different. The French Government also considers that similar provision, but for a transitional period only, might be made for countries in which, irrespective of the climatic and other conditions referred to in the other case, there exists no compulsory education or the school-leaving age is appreciably lower than the general admission age to be laid down by the Draft Convention

Observations made by other Governments to the same effect as those of the French Government have already been considered in the review of the replies on the question of the general minimum age (*ante*, p. 185). As was there suggested, there will probably be found to be less necessity for such special provisions, if the Draft Convention allows light work under the general minimum age outside school hours, than might have been the case if it laid down the general minimum age of 14 years as an absolute bar to any employment, whether during or outside school hours, under that age

For the rest, there remains to consider the Indian reply to the Questionnaire, which reply, it will be recalled (cf p. 170), was, in view of its special character, reserved for separate examination as a whole under the present Question.

As has been already indicated in the early part of this chapter, the Government of India claims special treatment under paragraph 3 of Article 405, because it considers conditions in that country to be so fundamentally different from those obtaining in Western countries that India cannot hope to conform to Western standards immediately but can only advance towards the realisation of those standards by gradual stages. The Government would accordingly have preferred a Recommendation as being more likely to ensure gradual progress, but would be prepared to accept a Draft Convention if it laid down for India very much lower standards than would be considered necessary in the West.

The two main points on which the Indian Government claims special treatment are the scope of the new Draft Convention and the figure for the general minimum age. In this Government's view the scope of the Draft Convention should in its application to India not include all the occupations not already covered by the three previous Minimum Age Conventions but should be limited to particular occupations and the general minimum age should be 10 years, though this limit is contemplated as an absolute rule precluding even light employment outside school hours under that age. The Government recalls that in both these directions special treatment was accorded to India by the Washington Minimum Age Convention.

It is possible that in framing its reply to the Questionnaire the Indian Government contemplated that the new Draft Convention would be framed on detailed and rigid lines and might follow the analogy of the Washington Minimum Age Convention in laying down 14 years as an absolute minimum age without any allowance, however limited, for exceptions. As a matter of fact, on many of the points of the Questionnaire, the results which have been drawn from the replies of the Governments for inclusion in the Draft Convention correspond to some extent with the views of the Indian Government. This is the case, for example, with nearly all the Questions on light employment outside school hours, with the exemption of technical and professional schools, family undertakings and private domestic service, with employment in theatres, film studios and public entertainments.

generally, and with the question relating to the prohibition of employment of children by certain employers. On the question of dangerous occupations, moreover, the proposals to be included in the Office draft for a Convention are in principle in conformity with the Indian reply.

The Office can scarcely form an opinion at this stage as to how far the results thus to be embodied in its draft will give satisfaction to the claims of the Indian Government, the reply of which is, it may be noted, at present of a provisional character. When the Conference meets, however, the Indian Government representatives will perhaps be in a position to define the attitude of their Government more fully, and have available the necessary information for completing its reply on certain points on which sufficient information was lacking at the time of framing it but which are being further investigated, e.g. as to the occupations which might be included in the scope of the Draft Convention for India and as to the question of street trading. For the rest, the Government may find when it has the Office's proposals for a Draft Convention before it that there is not perhaps the same reason for pressing the original 10 years minimum age proposal but that some other age, e.g. 12 years as allowed for India in the Washington Convention, might be acceptable. In the light of more complete information it may also be found that the reservations made as regards the question of enforcement (Questions 19-20) have been, to some extent at least, met by the Office's proposals on this aspect of the problem. In any case, it will not be till the Conference meets that it will be possible, in the light of further information, to form any clear idea as to the need or desirability of lower standards for India than for other Members of the Organisation.

#### VIII OTHER POINTS (Question 22)

Asked in this Question whether they had any other points to suggest for dealing with in the Draft Convention, the Governments have made no special suggestions. The general observations contained in one or two replies (*cf. ante*, p. 164) have already been taken into account in the preceding pages.

### CHAPTER III

#### Conclusions and texts of a proposed Draft Convention and Recommendation.

As a result of the survey made in the preceding pages of the replies of the Governments to the Questionnaire the Office has prepared for submission to the Conference as a basis of discussion the proposed Draft Convention and Recommendation concerning the age of admission to non-industrial employment which appear at the end of this chapter. As the preceding pages will have shown, the endeavour of the Office has been to find for inclusion in these drafts such practical solutions as, in the light of the views expressed by the 31 Governments whose replies are included in this Report, appear at this stage most likely to secure at the Conference the two-thirds majority of the votes necessary for transforming the drafts into effective international instruments.

These drafts have been built up on three general principles which the replies of the Governments have suggested should form their foundation.

In the first place, it has been seen (*cf ante*, p 167) that the Governments were unanimously in favour of international regulation of the present item on the Agenda, in order to complete the three existing Minimum Age Conventions adopted by the Conference at its Washington (1919), Genoa (1920), and Geneva (1921) Sessions on the age of admission to employment in industry, at sea and in agriculture respectively. In the view of the Governments as a whole, the fundamental principle underlying the task before the Conference is to extend the benefit of international protection of children, in respect of the age of their admission to employment, to those departments of activity which have so far remained uncovered by the previous decisions of the Conference, and which were intended to be designated by the expression "non-industrial occupations", and so practically complete the end of international regulation of the problem over the field of potential employment as a whole.

In the second place, the great majority of the Governments were in favour of embodying the new international regulations in a Draft Convention (cf. *ante*, p 168), not only because of the merits of the problem on the Agenda in itself, but also in order to put the new international regulations on the same plane as those which already exist for employment in industry, agriculture and at sea. If a few Governments had some hesitations as to whether a Recommendation would not be preferable, it has been observed that in practically all these cases this was not due to any opposition to the principle of a Draft Convention as such, but rather to apprehensions that the extent to which the Questionnaire went into detail on the many and varied aspects of the problem on the Agenda might lead to the framing of the Draft Convention on too rigid and detailed lines. It was noted, in fact, that, apart from these considerations, some of these Governments were ready to agree to a Draft Convention if this form for the decision of the Conference were preferred by the majority of the other Governments. The principle of a Draft Convention for the main decision of the Conference was thus in effect practically unanimously accepted.

At the same time, it was found (cf. *ante*, p 169), with reference to the apprehensions just noted, that the general tendency of the replies as a whole was to suggest that the policy to be pursued in framing the Draft Convention should be to confine this instrument to dealing with the more important general aspects of the problem on the Agenda, and to reserve detailed methods of application for a Recommendation supplemental to the Draft Convention.

It was accordingly on these bases that the replies of the Governments were analysed and compared with a view to endeavouring to ascertain what proposals could most suitably be drawn from them for inclusion in the draft either for a Convention or for a Recommendation to be submitted to the Conference.

It will have been seen in the preceding chapter that the replies of the Governments have thus suggested a considerable number of rules, principles and methods of application for inclusion in the international regulations in the one or the other form of instrument. The pre-



ceding chapter, too, has already sufficiently indicated the reasons which have led to the distillation of these proposals from the replies for international formulation, as well as the wide extent to which they are supported by the Governments as a whole. In order to avoid unnecessary repetition, therefore, it is simply proposed in the rest of the present chapter to add some general observations on the contents of the drafts, devoting attention chiefly to the Draft Convention but also referring to the different sections of the Recommendation in connection with the articles of the Draft Convention to which they are supplementary. At the same time, references will be given to the previous pages at which the different points concerned have been discussed, and the opportunity will also be taken to recall to the attention of the Conference one or two special points which have been raised by individual Governments but which it seemed preferable for the present, more particularly because the other replies contained no observations on them, not to incorporate in the Draft Convention but to reserve for the consideration of the Conference itself.

The Draft Convention, then, which consists of eight articles, starts from the basis that, with almost no exceptions, all employments not already covered by the three previous Minimum Age Conventions are included in its scope (Article 1). It then goes on to lay down a general minimum age of 14 years, which is to be increased up to the school leaving age where the latter is higher than 14, for application to the occupations as a whole which are included in its scope (Article 2). This general minimum age, however, is not laid down as an absolute bar to any employment, but provision is made for allowing children under such age to be employed in light work, as specified by national laws or regulations, outside school hours, subject to certain limitations and conditions which are partly defined in the Convention itself and partly left to national laws or regulations to fix (Article 3). The next Article (Article 4) provides for allowing national laws or regulations to permit special exceptions, but subject to strict safeguards, for the employment of children, or their preparation for employment, on the stage in public entertainments generally or before the camera

in film studios. The two following (Articles 5 and 6) then single out certain particular occupations dangerous to the life, health or morals of children, and certain forms of street trading, for which national laws or regulations are required to fix a special admission age or ages higher than the general minimum age, in view of the special character of these occupations or of the circumstances in which they are carried on. In the seventh Article certain general and one or two detailed rules are then laid down for facilitating or ensuring the enforcement of the Convention in the individual country. And the last Article embodies the principle that, in the mutual interests of ratifying countries, the annual reports under Article 408 of the Treaty on the application of the Draft Convention should contain particulars on the different points which the draft requires or allows to be regulated by national laws or regulations. These rules of the Draft Convention are then supplemented in the Recommendation by the indication of certain general principles and detailed methods which should be taken into consideration with a view to ensuring as uniform and effective application as possible of the Draft Convention.

These general observations on the contents of the two drafts may be supplemented by the following comments in more detail on the individual articles and sections.

*Article 1* (cf. *ante*, p 171), as already indicated, begins by laying down in the first paragraph the principle implicit in the item on the Agenda and accepted almost unanimously by the Governments, subject to the exclusion of one or two special occupations referred to below, that the new international regulations should include within their scope the employments not already covered by the three previous Minimum Age Conventions. This same paragraph also gives effect to the opinion held by all the Governments, with one or two exceptions, as to the method which should be adopted for drafting this scope of the regulations. This opinion was that, in view of the difference in conditions in different countries and of the miscellaneous nature of the employments to be subjected to the Draft Convention, it would hardly be a practical proposition to endeavour to frame in the draft itself an

international list of the categories of specific employments concerned which would be applicable universally or be free from omissions. The great majority of the Governments were accordingly in favour of defining the scope of the Draft Convention by a general formula to the effect that it included employments not already dealt with in the previous Conventions (*ante*, p. 177).

As a necessary complement to this method of definition by reference, paragraph 1, in the light of the unanimity of the replies, makes the competent authority in each country responsible for defining the line of division which separates the non-industrial occupations covered by the new draft from those already dealt with in the other Conventions. As the majority of the Governments agreed, moreover, that before carrying out this task the competent authorities should consult the organisations of employers and workers concerned, a clause to this effect has also been included in paragraph 1, but in order to meet the hesitations expressed in a few replies, this preliminary consultation has been expressly limited to the principal organisations of employers and workers. This allows the Governments a further measure of discretion in giving effect to this rule, in addition to the discretion they would have in any case to determine the form in which the consultation is to take place and the extent to which they wish to take account of its results (*ante*, p. 180).

Paragraphs 2 and 3 of Article 1 then provide for the exclusion, or the possibility of excluding, certain special occupations or establishments.

Paragraph 2 thus first definitely excludes employment in sea fishing (cf. *ante*, p. 173). This exemption was proposed only in a few of the replies but it seemed preferable to give effect to it in the present Draft Convention, in accordance with the procedure which the Conference has developed of dealing with maritime problems separately from problems of employment on land, and to reserve the question of working conditions as a whole in this occupation for special consideration at a future Session of the Conference. So far as inland fishing is concerned, however, no Governments proposed to exclude this occupation (*ante*, p. 173), and it is thus implicitly covered by the general formula of the scope of the Draft Convention, unless, by virtue of the above

provision relating to the definition of the line of division, the competent authorities in any particular country decide to include it in one of the previous Conventions, e.g. the Minimum Age Convention for agriculture

The second exclusion under paragraph 2 is work done in technical and professional schools (*ante*, p 206), subject, however, to the condition expressly or implicitly accepted by the great majority of Governments that such work is not only to be approved and supervised by public authority but is also essentially of an educative character and is not intended for commercial profit

Paragraph 3 of Article 1 refers to family establishments (*ante*, p 207) and private domestic service (*ante*, p 210), but does not directly exempt them from the Draft Convention. As the Governments' replies were divided but there seemed to be no possibility of including them unreservedly in the draft, it has been left to the competent authorities to decide whether they will exclude them or not. In the case of family establishments, however, it has been expressly stipulated that in so far as employment in such establishments is dangerous to life, health or morals they are to be subject to the same rules of the Draft Convention as employments of this character carried on in other establishments (cf Article 5, *post*). This proviso was added on the basis of the Governments' replies to the Question relating to dangerous employments generally (*ante*, p 217)

Article 2, (*ante*, p 183) lays down the fundamental regulation on which the whole Draft Convention is constructed, viz that the minimum age of admission to employment in the occupations covered as a whole is to be 14 years, the same age as has been fixed in the three previous Minimum Age Conventions. Practically all the Governments accepted this limit for general application, though a few wished to allow a lower limit as a more or less permanent exception for countries which have special (e.g. hot) climatic conditions and in which children mature more quickly than in other parts of the world, or as a transitional measure for countries in which there is no compulsory education system or the school-leaving age ends a year or so before the age of 11. This point has been left for the consideration

of the Conference, at which it may be found, however, that the provisions of the draft relating to the allowance of light work under 14 outside school hours may to a large extent give satisfaction to the countries here in question.

Article 2 also incorporates the further principle agreed to by the great majority of the Governments, that in countries where the school-leaving age is higher than 14 the general minimum age of admission should be raised accordingly, by specifying that the provisions of the draft apply not only to children under 14, but also to children over that age who are still required by national laws or regulations to attend school.

For the rest, Article 2 in terms anticipates the exceptions allowed to it in the rest of the Draft Convention. These exceptions first allow light work outside school hours, and then make still further allowance for theatrical and similar employment. Article 2 thus does not lay down the general minimum age rule as an absolute bar to employment under that age. It is true that a few Governments proposed that the rule should have this effect (*ante*, p. 190), on the analogy of the Washington Minimum Age Convention, (subject to a special provision for theatrical employment), but it was clear that this proposal would hardly be acceptable to most of the other Governments, which considered that there were among the different occupations included in the scope of the Draft Convention certain employments of a light character in which children under the general minimum age might suitably be allowed to be employed outside school hours. Hence the provisions in Article 3 for allowing this employment during such hours. For the present, therefore, it may be noted that the real effect of Article 2 is to prohibit any employment during the hours fixed for school attendance, subject to possible exceptions to this rule as allowed later in Article 4 for theatrical and similar employment.

*Article 3*, which, as just noted above, allows light employment outside school hours under the general minimum age, nevertheless endeavours by various means to keep this exception within as narrow limits as possible.

It is true that the Article does not fix any special minimum age for admission to such light employment.

so as to prevent children of very tender years being engaged in it. A proposal to fix an absolute limit, e.g. 12 years, was indeed made by a number of Governments. Such a proposal, moreover, would correspond with not a small number of national legislations, and might also possibly be acceptable to other Governments which did not refer to the point in their replies. However, in view of the silence of so many Governments on the point, the Office has for the present formulated in the Recommendation the general principle that the employment of children who also have to attend school should be restricted as closely as possible, and has suggested that for this purpose each country should fix an absolute age limit, e.g. 12 years, below which school children would not be allowed to be employed even outside school hours. It is clear that, if this latter proposal, or a clause on the same lines even with a lower age than 12, could be transferred to the Draft Convention, the effect of the latter would be very considerably strengthened. The Office therefore ventures to draw the special attention of the Conference to the desirability of considering, in the light of the further information which may become available to it as to the attitude of the respective Governments, whether such a course as is suggested above could not be adopted.

It is true, too, that Article 3 does not specify the forms of light work which may be allowed outside school hours, the preliminary conditions to be complied with as safeguards before children may be employed in such work, or any definite maxima of the number of hours of such work to be permitted in the day. On these different points the general tendency of the replies was to suggest the practical impossibility, on account of the more or less considerable differences in conditions in the various countries, of framing detailed rules for general application, and where detailed proposals were contained in the replies the divergences between them served to emphasise this general tendency. It became clear, for example, that it would be out of the question to attempt to draw up an international list of light occupations: a particular employment, for instance, might properly be considered to be light employment in one country, but the same employment in another

country might assume quite a different aspect, owing to climatic and other conditions. And once it was recognised that the forms of light employment might thus vary to a greater or lesser extent from country to country, it became still more difficult to endeavour to lay down any uniform rules for all countries as to the preliminary conditions to be complied with before children may be admitted to these different employments or as to the maximum number of hours of work to be authorised in them.

Nevertheless, the replies have suggested for inclusion in Article 3 of the Draft Convention and in section 1 of the Recommendation some valuable principles for the limitation of light work or for giving ratifying countries the means of mutually supervising the extent to which advantage is taken of the exceptions allowed for such work. It has thus been possible, by general definition in Article 3, to limit light work to work which is not harmful to the normal development of a child under 14, does not unduly interfere with his leisure, and is not such as to prejudice his attendance at school or his capacity to benefit from the instruction there given to him. National laws or regulations are then required, subject to giving particulars in the annual Article 408 reports (cf. Article 8), to specify the employments which may be considered to be light work on this basis. As a further limitation the Recommendation proposes that the competent authorities in each country should consult the principal organisations of employers and workers before determining these employments, some forms of which are indicated in the Recommendation by way of examples.

Similarly, as regards the preliminary conditions to be complied with before children are admitted to light work, paragraph 2 of Article 3 requires national laws or regulations to prescribe these conditions, subject again (cf. Article 8) to particulars being given in the annual Article 408 reports, while section 1 of the Recommendation indicates the principal conditions mentioned in the Governments' replies, e.g. consent of parents, medical certificate of physical fitness, consultation of the school authorities.

Finally, as regards the limitation of hours of work in light employment per day, the same obligations are placed on national laws or regulations (paragraph 3 of Article 3), but subject to two important special provisos. The first proviso is that, as practically all the Governments agreed, on Sundays and legal public holidays light work, and therefore *a fortiori* any other work, for children under the general minimum age is to be prohibited in principle, so that children have the same benefit of these days of rest as the general body of workers, and if it is allowed in certain special or unavoidable cases (e.g. for the delivery of milk and other food stuffs) it is to be strictly limited in duration. The second proviso is also one on which there was scarcely any hesitation in the Governments' replies, viz. that light work is to be absolutely prohibited during the night which as an average between the proposals of the Governments is defined as a period of eleven consecutive hours comprising the hours between 9 p.m. and 6 a.m.

These rules on hours of work in light employment are then supplemented in the Recommendation by the general principles that the maxima allowed should be adapted to the school time-table and the age of the child, should allow on school days sufficient rest intervals for the child between school hours and the times of his employment, and should in any case be such as to keep the number of hours of light work plus the hours of school attendance within a total maximum of seven hours in the day. It is further recommended that in the exceptional cases where light work is allowed on Sundays and legal public holidays the maximum should be three hours.

In spite of the allowance they make for light employment outside school hours, the international proposals contained in the Draft Convention and the Recommendation thus provide substantial guarantees against abuse.

Article 4 (*ante*, p. 212), which deals with employment, or preparation for employment, on the stage, in cinematographic films and public entertainments generally, in the interests of art or science, allows, as has already been indicated, special exceptions for such employment.



It was clear from the replies that the great majority of the Governments did not contemplate that it would be practicable, even if desirable, to confine the treatment of these employments within the limits of light work outside school hours. To do so, for example, would prevent the employment of children in theatres, etc. during the night. Apart from employment in dangerous performances, which it seemed should be included in the general category of dangerous employments for which a higher admission age or ages than 14 should be fixed (cf. Article 5), the replies, in fact, did not suggest any possibility of laying down precise international rules as to the nature or extent of the exceptions which might be allowed for employment of children under the general minimum age in theatres, etc., e.g. as to an absolute age limit, or maxima of hours of work, etc. In the contemplation of most of the Governments, these matters should be left to the appreciation of the competent authorities in each country. On the other hand, it seemed to be equally clearly contemplated that exceptions should be closely controlled and only allowed subject to strict safeguards for protecting the health and morals of the children and for ensuring kind treatment of them and the continuation of their education. As the surest means of exercising such control and securing such safeguards many replies suggested that exceptions for the employment of children in theatres, etc. under the general minimum age should only be accorded with the written approval or permit of the competent authorities granted in individual cases. Such a system would give the competent authorities the opportunity not only of satisfying themselves that all the requisite guarantees were forthcoming but also of imposing conditions and restrictions adapted to the particular circumstances of each case.

In Article 4 the Draft Convention accordingly incorporates these main conclusions by permitting national laws or regulations to allow exceptions to the general minimum age in Article 2 and to the provisions for light work in Article 3, in the interests of art and science, such exceptions to be subject to permits granted in individual cases and to strict safeguards being provided for the health, morals, kind treatment and education of the

children. The same article specifically places employment in dangerous performances under Article 6 with other dangerous occupations for which a higher age than 14 is to be required.

The Recommendation then proposes that the employment of children under 12 should be prohibited in principle, that exceptions to this principle should be kept within narrow limits and only be allowed in so far as required in the interests of art or science. It further suggests certain elements which should be taken into consideration by the competent authorities in granting permits to children under 14, e.g. consent of parents, physical fitness of the child for the employment contemplated, etc. and also certain conditions which might be stipulated in the permits, e.g. as to the number of hours of work, with particular reference to night work, and also proposes that the permits should be issued only for a limited period, subject to renewal, or for individual entertainments.

Articles 5 and 6 (cf. *ante*, pp. 217 and 223) of the Draft Convention refer respectively to employments dangerous to the life, health or morals of children and to certain forms of street trading, and in both cases require national laws or regulations to fix a higher age or ages than the general minimum age of 14 for admission to such employments. A few Governments (*ante*, p. 217) would have preferred that the Draft Convention should be confined exclusively to the protection of children under the general minimum age, on the analogy of the previous Minimum Age Conventions, and not contain any special provisions for persons over that age, a problem which in their opinion relates rather to the protection of young persons than of children and should accordingly be dealt with separately, either in the Recommendation, or, as one Government suggested, as a problem for consideration as a whole for young persons generally at a future Session of the Conference.

These Governments, however, did not oppose the general principle as such of fixing a higher age or ages for admission to certain special employments. Most of the other Governments, moreover, were expressly prepared to have this principle embodied in the Draft Convention (and many indicated the age or ages and

also some of the special employments they had in view)

Hence the inclusion of the above principle in Articles 5 and 6 of the Draft Convention

So far as *Article 5* is concerned (cf. *ante*, p 217), which deals with dangerous employments the replies of the Governments made it clear that there would be no possibility of specifying an international list of these employments. The Draft Convention accordingly designates them by a general formula as any employment "which by its nature or the circumstances in which it is carried on is dangerous to the life, health or morals of the persons employed in it," and leaves it to national laws or regulations to determine the specific employments to be thus covered, subject to particulars being given in the annual Article 408 reports. In these circumstances, and also in view of the differences in the Governments' replies there seemed no possibility of specifying a definite minimum age or ages for such employments. The fixing of the specific age or ages has thus also been left to national laws or regulations.

As a supplement to these provisions, however, the Recommendation proposes consultation of the employers' and workers' organisations before determining the specific employments concerned and the age or ages to be fixed for them, gives certain examples of the employments contemplated taken from the Governments' replies, and suggests the desirability of adapting the age to the nature of the dangers of the employment, with the possibility in certain cases of a higher age for females than for males.

In principle the replies suggested the same solution for application to street trading (*Article 6*- cf *ante*, p 223), certain forms of which would no doubt be covered in any case by Article 5, in view of their special dangers, especially to morals, but which it seemed preferable to treat apart in a separate article. Article 6 of the Draft Convention accordingly recognises that a higher age may not be required for all forms of street trading in all circumstances, but leaves it to national laws or regulations to determine the forms in which the conditions of employment require such special treatment, again subject to giving particulars in the annual reports (cf Art 8), as well as to determine the special age limits

to be applied. And the Recommendation applies to these provisions the same proposals as have just been indicated above in connection with dangerous occupations as a whole.

*Article 7* of the Draft Convention, supplemented by Section VI of the Recommendation, deals with measures for facilitating and ensuring enforcement of the provisions of the Draft Convention, the distribution between these two drafts of the proposals contained in them on this aspect of the problem corresponding with the general situation of the replies on the different points concerned.

The clauses of Article 7 relate to the keeping by employers of certain records of persons employed by them under certain ages, on the analogy of previous Conventions, the provision of suitable means for identifying and supervising persons under a certain age engaged in street trading, the provision of an adequate system of public inspection or supervision and of penalties to enforce the national laws or regulations which give effect to the Convention. The only point in connexion with these proposals which need be noted is that while previous Conventions have required employers to keep records of persons under 16, i.e. two years above the general minimum age, it has not been possible in the present Draft Convention to fix a uniform age limit for this purpose, in view of the fact that, in contradistinction to previous Conventions, the present Draft Convention, in addition to fixing a general admission age of 14, also requires national laws or regulations to lay down a higher admission age or ages for certain special employments. The age limits up to which employers are to keep records of the persons employed by them have therefore been left to be prescribed by national laws or regulations, provided that these limits are one year above the general admission age or the higher admission ages fixed by such laws or regulations.

The proposals in the Recommendation complementary to the above provisions relate to the desirability of instituting a system of registration and employment or identity books for children under 14 who are admitted to employment in accordance with the Draft Convention, to the particulars which might be given in such books, to the provision of badges for persons admitted to employment

in street trading, and to the importance of ensuring for inspecting or supervising officials a right of entry into premises where children are employed in the preparation or execution of public entertainments

*Article 8* of the Draft Convention embodies the principle that the obligation laid on national laws or regulations, or the power given to such laws or regulations, by different provisions of the draft to regulate a number of points in the draft on which it has not been possible to lay down definite uniform rules for all countries should be completed by the requirement that particulars as to the way in which this obligation is complied with or this power exercised are to be given in the annual reports on the application of the Convention under Article 108 of the Treaty. The Article applies this principle to all the points here in question in the Draft Convention, but makes particular mention of the determinations of the specific employments to be considered as light work under Article 3, of the determinations of the dangerous employments referred to in Article 5 and of the special forms of street trading referred to in Article 6, for both of which categories higher admission ages are to be fixed, as well as of the circumstances in which special exceptions for employment, or preparation for employment, in theatres, film studios, etc are permitted under Article 4. These requirements, it would seem, are a logical and necessary complement to the Draft Convention, and constitute, in the light of the Governments' replies, the only but by no means an ineffective means of endeavouring to secure its application on as uniform lines as possible in the varying conditions of the different countries.

*Section V of the Recommendation (ante p. 228)* — The only other point to note with reference to the contents of the drafts submitted to the Conference is that Section V of the Recommendation contains a clause on the lines of the Question put to the Governments as to whether persons who have been convicted of certain crimes or are notorious drunkards should be prohibited from employing children other than their own in any non-

industrial occupation, even if these persons live in the same household with such children. Though there seemed to be a considerable number of the Governments in favour of including this rule in the Draft Convention itself, it appeared difficult at this stage to transform the Question in the form in which it was put to the Governments into a precise international obligation which could be effectively enforced in all countries. While including the point in the Recommendation for the present, however, the Office has expressly left it open to the Conference, after further consideration, to endeavour to find a formula suitable for insertion in the Draft Convention.

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*Situation of India with regard to the Draft Convention*

— It remains to recall, in conclusion to this chapter, that the Government of India in its provisional reply to the Questionnaire has claimed special treatment for India under paragraph 3 of Article 405 of the Treaty, on the analogy of the Washington Minimum Age Convention, which contains special provisions for that country. These provisional views were reserved for consideration as a whole separately from the replies of the other Governments at the end of the preceding chapter (*ante*, p. 235), with a view to examining, in the light of the provisions of the Draft Convention as based on the other replies, whether these provisions would give satisfaction to the Indian Government. It was found that on a considerable number of points the Draft Convention which is being submitted to the Conference corresponded with the views expressed in the Indian Government's reply. For the rest, however, it can only be left to the Indian Government representatives to indicate at the Conference itself whether, in view of the nature of the provisions of the Draft Convention as a whole in their application to the conditions of India, the Indian Government still wishes to maintain its claim for special treatment at any rate on the question of a general minimum age.

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TEXTS OF THE PROPOSED  
DRAFT CONVENTION AND THE DRAFT  
RECOMMENDATION



PROPOSED DRAFT CONVENTION CONCERNING THE  
MINIMUM AGE FOR ADMISSION TO NON-INDUSTRIAL  
EMPLOYMENT*Article 1*

1 This Convention shall apply to any employment not dealt with in the following Conventions adopted by the International Labour Conference at its First, Second and Third Sessions respectively, viz

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919).

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920).

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921)

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions

2 This Convention shall not apply to -

(a) employment in sea-fishing,

(b) work done in technical and professional schools, provided such work is essentially of an educative character, is not intended for commercial profit and is approved and supervised by public authority

3 It shall be open to the competent authority in each country to exempt from the application of this Convention

(a) employment in establishments in which only members of the employer's family are employed, except employment which is dangerous within the meaning of Article 5 of this Convention,

(b) employment in private domestic service

AVANT-PROJET DE CONVENTION CONCERNANT L'AGE  
MINIMUM D'ADMISSION AUX TRAVAUX NON INDUS-  
TRIELS

*Article 1.*

1 La présente convention s'applique à tout travail ne faisant pas l'objet de la réglementation prévue par les conventions suivantes adoptées respectivement par la Conférence internationale du Travail à ses première, deuxième et troisième sessions

Convention fixant l'âge minimum d'admission des enfants aux travaux industriels (Washington, 1919);

Convention fixant l'âge minimum d'admission des enfants au travail maritime (Gênes, 1920),

Convention concernant l'âge d'admission des enfants au travail dans l'agriculture (Genève, 1921).

Dans chaque pays, l'autorité compétente, après consultation des principales organisations patronales et ouvrières intéressées, déterminera la ligne de démarcation entre le champ d'application de la présente convention et celui des trois conventions susmentionnées.

2 La présente convention ne s'appliquera pas

a) à la pêche maritime,

b) au travail dans les écoles techniques et professionnelles, à la condition qu'il présente un caractère essentiellement éducatif, n'ait pas pour objet un bénéfice commercial et qu'il soit approuvé et contrôlé par l'autorité publique

3 Dans chaque pays, l'autorité compétente aura la faculté d'exclure de l'application de la présente convention .

a) l'emploi dans les établissements où sont seuls occupés les membres de la famille de l'employeur, à la condition que cet emploi ne soit pas dangereux au sens de l'article 5 ci-dessous,

b) au service domestique privé

*Article 2.*

Children under 14 years of age, or children who are over 14 years but are still required by national laws or regulations to attend school, shall not be employed in any employment to which this Convention applies, except as hereinafter otherwise provided.

*Article 3*

1 Children referred to in the preceding Article may be employed outside the hours fixed for school attendance in light work which

- (a) is not harmful to their normal development ; and
- (b) does not unduly interfere with their leisure , and
- (c) is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given

2 National laws or regulations shall

- (a) specify the employments which may be considered to be light work for the purpose of this Article ;
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed in light work

3 National laws or regulations shall, having regard to the arrangement of the school time-table, limit the number of hours of light work in the day .

Provided that

- (a) light work shall in principle be prohibited on Sundays and legal public holidays and shall be strictly limited in duration when permitted on such days in exceptional cases ;

*Article 2.*

Les enfants n'ayant pas atteint l'âge de quatorze ans ou qui, ayant dépassé cet âge, sont encore soumis à l'obligation scolaire en vertu de la législation nationale, ne pourront être occupés à aucun des travaux auxquels s'applique la présente convention, sous réserve des dispositions ci-après

*Article 3.*

1 Les enfants mentionnés à l'article précédent pourront, en dehors des heures fixées pour la fréquentation scolaire, être occupés à des travaux légers, à la condition que ces travaux

a) ne soient pas nuisibles à leur développement normal,

b) n'empiètent pas abusivement sur leurs loisirs ;

c) ne soient pas de nature à porter préjudice à leur assiduité à l'école ou à leur faculté de bénéficier de l'instruction qui y est donnée

2. La législation nationale

a) déterminera quels sont les travaux qui peuvent être considérés comme travaux légers au sens du présent article,

b) prescrira les garanties préliminaires à remplir avant que les enfants ne puissent être employés à des travaux légers

3 La législation nationale, en tenant compte des heures de fréquentation scolaire, limitera la durée journalière des travaux légers.

En outre

a) les travaux légers seront prohibés en principe le dimanche et les jours de fêtes publiques légales et, s'ils sont autorisés ces jours-là, dans des cas exceptionnels, leur durée sera strictement limitée,

- (b) no light work shall be permitted during the night, i.e. during a period of at least eleven consecutive hours comprising the interval between 9 p.m. and 6 a.m.

#### *Article 4*

In the interests of art or science, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear on the stage, in cinematographic films and in other public entertainments

Provided that

- (a) no such exceptions shall be allowed in respect of employment which is dangerous within the meaning of Article 5,
- (b) strict safeguards shall be prescribed for the health and morals of the children and for ensuring kind treatment of them and the continuation of their education

#### *Article 5*

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission to any employment which, by its nature or the circumstances in which it has to be carried on, is dangerous to the life, health or morals of the persons employed in it

#### *Article 6*

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission to those employments in street trading in which the conditions of employment require a higher age of admission

b) les travaux légers seront entièrement prohibés pendant la nuit, c'est-à-dire pendant un intervalle d'au moins onze heures consécutives comprenant la période entre neuf heures du soir et six heures du matin

#### *Article 4*

Dans l'intérêt de l'art ou de la science, la législation nationale pourra, par le moyen d'autorisations individuelles, accorder des dérogations aux dispositions des articles 2 et 3 de la présente convention, afin de permettre à des enfants de paraître sur la scène, dans des films cinématographiques et autres spectacles publics

Toutefois,

a) aucune dérogation ne sera accordée dans le cas d'un emploi dangereux au sens de l'art 5 ci-dessous ;

b) des garanties strictes seront établies en vue de sauvegarder la santé et la moralité des enfants, de leur assurer de bons traitements et la possibilité de poursuivre leur instruction

#### *Article 5*

La législation nationale fixera un âge ou des âges supérieurs à ceux qui sont mentionnés à l'article 2 de la présente convention pour l'admission à tout emploi qui, par sa nature ou les conditions dans lesquelles il est rempli, est dangereux pour la vie, la santé ou la moralité des personnes qui y sont affectées

#### *Article 6*

La législation nationale fixera un âge ou des âges supérieurs à ceux qui sont mentionnés à l'article 2 de la présente convention pour l'admission aux emplois dans le commerce sur la voie publique, lorsque ces emplois sont exercés dans des conditions qui justifient un âge d'admission plus élevé

*Article 7*

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall :

- (a) require every employer to keep a written record containing in particular the dates of birth of all persons employed by him who are under an age or ages prescribed by such laws or regulations, such age or ages to be at least one year above the minimum ages provided for in this Convention ,
- (b) provide suitable means for facilitating identification and supervision of persons under a specified age engaged in street trading ;
- (c) provide for an adequate system of public inspection and supervision ,
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention

*Article 8*

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including .

- (a) a list of the employments which national laws or regulations specify to be light work for the purpose of Article 3 ,
- (b) a list of the employments for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages of admission higher than those defined in Article 2 ,
- (c) full information concerning the circumstances in which exceptions to the provisions of Article 2 and 3 are permitted in accordance with the provisions of Article 4

*Article 7.*

En vue d'assurer l'application effective des dispositions de la présente convention, la législation nationale

a) exigera que chaque employeur tienne à jour une liste écrite contenant notamment la date de naissance de toutes les personnes employées par lui et n'ayant pas atteint un âge ou des âges déterminés par ladite législation, cet âge ou ces âges devant être supérieurs d'une année aux âges minimums prévus par la présente convention,

b) prévoiera des mesures appropriées pour faciliter l'identification et le contrôle des personnes en-dessous d'un âge déterminé, occupées dans le commerce sur la voie publique,

c) prévoiera un système approprié d'inspection et de contrôle officiels,

d) établira des pénalités pour réprimer les infractions à la législation donnant effet aux dispositions de la présente convention

*Article 8.*

Les rapports annuels prévus par l'article 408 du Traité de Versailles et les articles correspondants des autres Traités de Paix donneront des renseignements complets sur la législation donnant effet aux dispositions de la présente convention. Ces renseignements contiendront notamment

a) une liste des emplois que la législation nationale qualifie de travaux légers au sens de l'article 3,

b) une liste des emplois pour lesquels, conformément aux articles 5 et 6 ci-dessus, la législation nationale a fixé des âges d'admission plus élevés que ceux établis par l'article 2,

c) des renseignements complets sur les conditions dans lesquelles des dérogations aux articles 2 et 3 sont autorisées en vertu de l'article 4 ci-dessus.



DRAFT RECOMMENDATION CONCERNING THE MINIMUM AGE  
FOR ADMISSION TO NON-INDUSTRIAL EMPLOYMENT

The Conference,

Having adopted a Draft Convention concerning the minimum age for admission to non-industrial employment, with a view to completing the international regulations laid down by the three Conventions adopted at previous Sessions concerning the age of admission of children to industrial employment, employment at sea and employment in agriculture, and

Desiring to ensure as uniform application as possible of the new Draft Convention, which leaves certain details of application to national laws or regulations ,

Considers that, in spite of the variety of employments covered by the said Draft Convention and the need of making allowance for the adoption of practical methods of application varying with the climate, customs, national tradition and other conditions peculiar to individual countries, account should be taken of certain methods which have been found to give satisfactory results, and which may accordingly be a guide to the States Members

The Conference therefore recommends the States Members to take the following rules and methods into consideration

I *Light work.*

1 In order that children may derive full benefit from their education and that their physical, intellectual and moral development may be safeguarded, it is desirable that so long as they are required to attend school their employment should be restricted to as great an extent as possible

For this purpose it is recommended that each State Member should fix even for light work an absolute minimum age limit, which should be as near as possible to the school-leaving age, and which might be 12 years of age

PROJET DE RECOMMANDATION CONCERNANT L'ÂGE  
MINIMUM D'ADMISSION AUX TRAVAUX NON INDUSTRIELS

La Conférence,

Ayant adopté un projet de convention sur l'âge minimum d'admission aux travaux non industriels, destiné à compléter la réglementation internationale établie par les trois conventions adoptées à des sessions antérieures et relatives à l'âge d'admission des enfants aux travaux dans l'industrie, au travail maritime et au travail dans l'agriculture,

Désirant assurer une application aussi uniforme que possible du nouveau projet de convention qui laisse certains détails d'application à la législation nationale,

Considère que, malgré la diversité des emplois visés dans ledit projet et la nécessité de permettre l'adoption de modalités pratiques variant suivant les climats, les coutumes, les traditions nationales et les autres conditions particulières à chaque pays, il importe de tenir compte de certaines méthodes d'application dont l'expérience a été satisfaisante, et qui peuvent donc guider les Etats Membres

En conséquence, la Conférence recommande aux Etats Membres de prendre en considération les règles et méthodes suivantes

I - *Travaux légers*

1 Afin de permettre aux enfants de tirer plein bénéfice de leur instruction scolaire et de sauvegarder leur développement physique, intellectuel et moral, il est désirable, pendant qu'ils demeurent encore soumis à l'obligation scolaire, de restreindre leur emploi dans toute la mesure du possible

Dans ce but, la Conférence recommande que chaque Etat Membre fixe de façon absolue, même pour les travaux légers, un âge minimum qui soit aussi rapproché que possible de l'âge auquel cesse l'obligation scolaire ; cet âge pourrait être de douze ans

2 It is further recommended that the competent national authorities should consult the principal organisations of employers and workers concerned before determining the categories of employment in light work to which children may be admitted outside the hours of school attendance. In this connection, such occupations and employments as running errands, distribution of newspapers, odd jobs in connection with the practice of sport or the playing of games, and picking and selling flowers or fruit might be taken into consideration.

3 For the admission of children to employment in light work the competent authorities should require the consent of parents or guardians, a medical certificate of physical fitness for the employment contemplated, and, where necessary, previous consultation with the school authorities.

4. The limitations on the hours of work in the day of children employed in light work outside school hours should be adapted to the school time-table, on the one hand, and to the age of the child on the other. Where instruction is given both in the morning and in the afternoon, the child should be ensured a sufficient rest before morning school, in the interval between morning and afternoon school, and immediately after the latter. In any case, long periods of work without a sufficient rest interval should be prohibited, and the total number of hours of employment plus the hours of school attendance should not exceed seven hours in the day.

On Sundays and legal public holidays the number of hours of work which may be authorised as an exception in special cases should not exceed three hours in the day.

## II *Employment in public entertainments*

5. Employment on the stage, in cinematographic films and in other public entertainments should in principle be prohibited for children under 12 years of age, and exceptions to this rule should be kept within the narrowest limits and only allowed in so far as the interests of art or science may require.

2 La Conférence recommande, en outre, que les autorités nationales compétentes consultent les principales organisations patronales et ouvrières intéressées avant la détermination des catégories de travaux légers auxquels les enfants peuvent être admis en dehors des heures de fréquentation scolaire. A ce titre, pourraient être pris en considération les occupations et emplois tels que : emplois comme commissionnaires, distribution de journaux, travaux effectués à l'occasion de sports ou de jeux, cueillette et vente de fleurs ou de fruits.

3. Pour l'admission des enfants à des travaux légers, les autorités compétentes devraient exiger le consentement des parents ou tuteurs, un certificat médical d'aptitude physique pour l'emploi envisagé, et, le cas échéant, l'avis préalable des autorités scolaires.

4 Les limitations de l'emploi journalier des enfants aux travaux légers en dehors des heures d'école devraient être adaptées à l'horaire scolaire, d'une part, et à l'âge de l'enfant, de l'autre. Dans les cas où l'enseignement est donné à la fois le matin et l'après-midi, il y aurait lieu d'assurer à l'enfant un repos suffisant avant les cours du matin, pendant l'intervalle entre les cours du matin et ceux de l'après-midi ainsi qu'immédiatement après ces derniers. En tous cas, les périodes de travail prolongées, sans un repos suffisant, devraient être prohibées, et le nombre total des heures de travail, additionnées aux heures de fréquentation scolaire, ne devrait pas dépasser sept heures par jour.

Le dimanche et les jours de fête légaux, la durée du travail qui pourrait être exceptionnellement autorisée dans des cas spéciaux, devrait être limitée à trois heures par jour.

## II *Emplois dans les spectacles publics*

5 L'emploi sur la scène, dans les films cinématographiques et dans les autres spectacles publics devrait être en principe interdit aux enfants âgés de moins de 12 ans. Les dérogations à cette règle devraient être minimales et admises seulement dans la mesure où peut l'exiger l'intérêt de l'art ou de la science.

The permits to be granted by the competent authorities in individual cases should only be issued if the competent authorities are satisfied as to the nature and the particular type of the employment contemplated, if the parents' or guardians' consent has been obtained, and if the physical fitness of the child for the employment has been established. The child should also be assured of receiving good treatment and of being able to continue his education. Each permit should specify the number of hours during which the child may be employed, with special regard to night work and work on Sundays and legal public holidays. It should be delivered for a particular entertainment, or for a limited period, subject to renewal.

### III *Dangerous employments*

6 The competent authorities should consult the principal organisations of employers and workers concerned before determining the employments which are dangerous to the life, health or morals of the persons employed, and also before fixing the higher age or ages of admission to be prescribed for such employments by national laws or regulations.

Among employments of the kind referred to might be included, for example, certain employments in public entertainments (aerobatic performances), in establishments for the cure of the sick (employment involving danger of contagion or infection), and in establishments for the sale of alcoholic liquor (serving customers).

Different ages for particular employments should be fixed in relation to their special dangers, in some cases the age required for girls might be higher than the age for boys.

### IV. *Street trading*

7 The general principles indicated in section III above should also apply to certain employments in street trading (e.g. hawking), the conditions of which require the fixing of a higher admission age.

Les autorisations à accorder par les autorités compétentes dans des cas individuels, ne seront délivrées que dans les cas où la nature et le genre particulier de l'emploi peuvent les justifier, si les parents ou tuteurs ont donné leur consentement et si l'aptitude physique de l'enfant à l'emploi est établie ; de plus, il faudra que l'enfant soit assuré de recevoir un bon traitement et de pouvoir continuer ses études. Chaque autorisation devait spécifier le nombre d'heures pendant lesquelles l'enfant pourra être employé, en tenant compte spécialement du travail de nuit et du travail du dimanche et des jours de fête légaux, elle serait délivrée soit pour un spectacle déterminé, soit pour une période limitée et serait susceptible de renouvellement.

### III *Travaux dangereux*

6. Les autorités compétentes devaient consulter les principales organisations patronales et ouvrières intéressées avant la détermination des travaux d'un caractère dangereux, soit pour la vie ou la santé, soit pour la moralité des personnes employées, de même, pour la fixation de l'âge ou des âges d'admission supérieurs devant être prescrits pour ces travaux par la législation nationale.

Parmi les travaux de cette catégorie, il y aurait lieu de ranger, par exemple, certains emplois dans les spectacles publics (acrobates), dans les établissements curatifs (travaux comportant un danger de contagion ou d'infection), et dans les débits de boissons alcooliques (service des clients).

Des âges variant suivant les emplois devraient être fixés en considération de leurs dangers particuliers. Dans certains cas, l'âge exigé pour les jeunes filles pourra être supérieur à celui pour les jeunes garçons.

### IV *Commerce sur la voie publique.*

7. Les principes généraux prévus au chiffre III ci-dessus devraient s'appliquer également à certaines catégories d'emplois dans le commerce sur la voie publique (par exemple, colportage) dont les conditions justifient la fixation d'un âge d'admission supérieur.

V    *Prohibition of employment of children  
by certain persons.*

8    With a view to safeguarding the moral interests of children the Conference recommends that persons who have been condemned for certain serious offences or who are notorious drunkards should be prohibited from employing children other than their own, even if such children live in the same household with these persons

VI   *Enforcement.*

9    In order to facilitate the enforcement of the provisions of the Draft Convention, it is desirable to institute a public system of registration and of employment or identity books for children admitted to employment

These documents should contain *inter alia* indications of the age of the child, the nature of his employment, and the number of hours of work authorised.

In the case of street trading it is recommended that the wearing of special badges should be prescribed.

In the case of children employed in public entertainments, supervising or inspecting officials should have the right of access to premises in which such entertainments are prepared or performed.

## V *Interdiction à certaines personnes d'employer des enfants*

8 Afin de sauvegarder les intérêts moraux des enfants, la Conférence recommande d'interdire aux personnes ayant été condamnées pour certaines infractions graves ou adonnées de façon notoire à l'ivrognerie, l'emploi d'enfants autres que les leurs, il devrait en être ainsi même si ces enfants vivent en commun avec ces personnes

## VI *Contrôle de l'application*

9 Afin de faciliter l'application des dispositions du projet de convention, il est désirable d'instituer un système public d'enregistrement et de livrets d'emploi ou d'identité pour les enfants admis à un emploi

Ces pièces devraient contenir, notamment, l'indication de l'âge de l'enfant, le genre de l'emploi et le nombre des heures de travail autorisées

S'il s'agit d'emplois dans le commerce sur la voie publique, il est recommandé de prescrire le port d'insignes spéciaux

Dans le cas d'enfants employés dans les spectacles publics, les agents de l'inspection ou du contrôle devraient avoir droit d'accès aux locaux où les représentations sont préparées et exécutées

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provisions to be made in the draft for employment in light work outside school hours (cf Questions 6 and following)

*Employment in connection with religious services* — The German Government observes that it takes it for granted that the occupation of children in connection with religious services is not to be covered by the Draft Convention

It is a question whether this category of activity can really be regarded as a form of 'employment' in the sense in which the expression is usually employed in labour legislation. From this point of view alone, apart from any other, an express exclusion of this activity from the Draft Convention would hardly appear to be necessary, and it may perhaps be assumed that the other Governments generally would agree that the activity in question is in any case outside the Convention.

*Definition of "employment"* — In a similar connection, one or two Governments raise the question as to what is to be considered to be "employment" or "work" of children for the purpose of the international regulations. Thus, Norway and Sweden consider that the Draft Convention should only apply to "professional" work, which Sweden defines as "more or less regular and active work" and which in its view would, for example, distinguish domestic work not done for an employer operating with a view to commercial profit from domestic work in hotels, boarding houses, cafés, restaurants, etc. Austria, again, observes that the expressions "employment" or "work" might cover only remunerated work done on the basis of a contract of employment or also work performed on some other basis of duty or relationship (e.g. work done at home by children for their parents, as where the parents are home workers or run a home industry), or, again, might apply only to regular work or also to occasional and isolated services. This Government accordingly replies to the Questionnaire on the footing that "employment" or "work" only refers to the remunerated occupation of children other than the employer's own in work of any kind or to the regular

occupation of such children even if not specially remunerated

So far as the above observations relate to private domestic service or to employment in family establishments, they will be dealt with later on in this chapter in connection with the special Questions in the Questionnaire bearing on these two points (Nos 12 and 13), and the solutions to be proposed there on these points in the light of the replies as a whole may perhaps meet the principal considerations which these Governments had in mind in raising the point at present under consideration. For the rest, though not only the three previous Minimum Age Conventions but a considerable number of the other Conventions use the expressions "employment" and "work" without any definition, the Office is not aware that the absence of a definition has caused any special difficulties in the application of these Conventions. Moreover, any such definition for international purposes would not only be difficult to frame and might lead at the Conference to long theoretical discussions out of all proportion to any real practical needs, but might also be dangerous in its ultimate effects.

For these various reasons, and in view of the fact that none of the other Governments, in spite of their experience of existing Conventions, have attached any importance to the point, it is proposed for the present to use the expressions in question in the new Draft Convention without any amplification.

## (2) *Method of drafting the scope* (Question 3)

(a) *General principle.* — The question here was whether, for the purpose of drafting, the actual scope of the Draft Convention as determined above should be defined by a *general formula* to the effect that it includes all occupations other than those already dealt with by the three previous Conventions (and subject, of course, to the exclusion of particular occupations — e.g. private domestic service), or whether it would be preferable to give in the draft a *list* of the specific categories of occupations included.

On this point the replies leave little doubt as to the course which should be proposed to the Conference.